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Government of Bengal

# Guide to Laws and Orders in force in Bengal 1925

Vol. II  
Circulars and Orders

Appointments

Nos. 1 to 219

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For official use only.





# **Note of Corrections Posted.**

Correction slips or Addenda-Corrigenda.		Date of Issue.	By whom corrections made.		Remarks.
No. of List.	No. of Slip.		Initial.	Date.	

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## PREFACE.

Volumes II to XVII of the "Guide to Laws and Orders in force in Bengal" contain those circulars and orders, issued by the Government of India and the Government of Bengal, which are not incorporated in a Manual or Code or other recognised work of reference.\* They supersede the four volumes issued in 1908 under the title "Government Circulars and Orders in force in Bengal, 1906", 2nd Edition. Circulars and orders issued up to the end of 1924, and some issued during the first half of 1925, have been included. Obsolete circulars and orders have been omitted.

2. The circulars and orders have been grouped according to the branches of work in the Secretariat. As such branches may be transferred from one department to another, the branches have not been grouped under departments, but have been arranged alphabetically.

3. To facilitate reference, the circulars and orders have been numbered in one series. References should be made to them by giving simply the number after the word Circular as, for instance, "Circular No. 234".

4. The Index to the Circulars and Orders has been combined with the District Officers' Handy Reference Book so as to form Volume I (in two parts) of the revised compilation. The references given in Part II of that volume are to the serial number of the circular or order in these volumes. Part II also gives references to Rules, Manuals and other sources of information, while Part I contains an alphabetical index and also a detailed index to Laws and Regulations in force in Bengal.

5. Addenda and corrigenda will be issued from time to time.

6. It is requested that any mistakes or omissions found in these volumes may be brought to the notice of the Secretary to the Government of Bengal in the Revenue Department.

W. S. HOPKYNs,

*Secretary to the Government of Bengal.*

REVENUE DEPARTMENT,

CALCUTTA :

*The 1st August, 1925.*

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\*For a complete list of Manuals, etc., in use in the Bengal Secretariat, see Part II of Vol. I.



# APPOINTMENTS.

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## BOOKS OF REFERENCE.

- 1 Appointment and Allowances Manual for Gazetted Officers.
- 2 Government Servants' Conduct Rules.
- 3 The Superior Civil Services (Revision of Pay and Pensions) Rules, 1924 (*reprinted periodically*).





## **APPOINTMENTS.**

### **Address —Addressing.**

#### **Address of officers proceeding on leave.**

**1.**

*Ben., Appt., Cir. No. 2 A. D., of 28-6-1900, to all Officers.*

As inconvenience frequently arises from the fact that the Government has no record of the addresses of such of its officers as are on leave, the Government of Bengal issued orders as follows:—

“The Lieutenant-Governor accordingly directs that in future all gazetted officers on making over charge of their office prior to departure on leave should report, to the Department of the Government by which their leave is granted, the address to which communications should be sent to them during their absence from duty, should it be necessary to do so.”

#### **Address of Chaplains proceeding on leave.**

**2.**

*Ben., Appt., No. 4006A., of 21-8-1900.*

The Archdeacon of Calcutta having enquired whether the above circular applies to Chaplains, was informed by the Government of Bengal as below:—

“I am directed to say that the present practice, under which Chaplains are required to leave their home address with the Lord Bishop, will be sufficient.”

#### **Mode of addressing Indians appointed to be, or act as, a District Magistrate or District and Sessions Judge.**

**3.**

*Ben., Appt., Nos. 995-1012A., of 9-2-1901, to Commrs.  
and Depts.*

A question having arisen as to the mode of addressing an Indian appointed to be, or act as a District Magistrate, I am directed to say that the Lieutenant-Governor has decided that such an officer should be addressed as “Mr.” and “Esquire”

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### Gazetting.

(as an English officer would be in the same post), whether he has been to England or not. If such an officer is already, or becomes, a Kumar, he may retain that designation, if he prefers it.

#### 4.

*Ben., Appt., No. 816A. and Nos. 828-51A., of 13-2-1901, to High Court, Dist. Judges, Comenrs., Depts., etc.*

Later, on the suggestion of the Hon'ble Judges of the High Court, the orders were extended to the cases of Indians appointed to be, or act as, District and Sessions Judges.

NOTE.—Certain principles are followed in addressing other Indians, but these have not been reduced to any definite orders, *see* R. file No. 2C/65 of 1919.

### Gazetting.

#### Gazetting of appointments of uncovenanted Government officers.

#### 5.

*India, Home, Res. No. 35 Pub./1701-18, of 8-11-1893 ; Ben., Appt., Nos. 4869-79A., of 1-12-1893, to Depts.*

As there appeared to be no uniform practice in regard to the gazetting of appointments of uncovenanted officers, the Government of India took into consideration the question whether it was possible to prescribe any general principle for determining whether an appointment should be treated as gazetted or not, and the authority under whose orders it should be gazetted. With this object local Governments and administrations were asked in the circular letter cited above for information as to the practice prevailing in the several provinces in this respect, and whether the practice was based on any general principle. From the replies received from local Governments, it appears that, although no general principle has been prescribed to regulate the distinction between gazetted and non-gazetted appointments, the term "gazetted officer" is generally held to apply to an officer whose appointment is gazetted by Government and not by the head of a department.

2. After giving careful consideration to the subject, the Governor-General in Council is of opinion that the broad line

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### Gazetting.

of demarcation between gazetted and non-gazetted officers should be that which separates the Provincial from the Subordinate Service; and that all officers belonging to the Provincial Service (including Munsifs, except in the Punjab and the Central Provinces, where these officers are placed in the Subordinate Service) should be held to be gazetted officers within the meaning of the Civil Service Regulations; while members of the Subordinate Service should not come within that category, even if their appointments are published in the Gazette. His Excellency in Council accordingly directs that, as a general rule, and except in very special cases, such as that of Munsifs in the Madras Presidency, who are gazetted by the High Court, all appointments which it is decided to include in the Provincial Service shall be gazetted by the local Government, and shall be held to be gazetted officers within the meaning of the Civil Service Regulations; while those in the Subordinate Service shall, if gazetted at all, be gazetted by the heads of departments who have the power to make them under the orders of the local Government. In provinces where the powers delegated to heads of departments elsewhere in respect of the latter class of appointments are exercised by the head of the administration himself, appointments of officers in the Subordinate Service shall, if gazetted, be notified in that part of the Gazette in which notifications of heads of departments appear. Thus tahsildars would be gazetted in the North-Western Provinces and Oudh by the Board of Revenue and in the Punjab by the Financial Commissioners, while mamlatdars would be gazetted in Bombay by the Commissioners. On the other hand, in Bengal and the Central Provinces, where the corresponding class of officers (Sub-Deputy Collectors and tahsildars) are appointed by the head of the administration himself, the appointments, though gazetted under the orders of the local Government, will be notified under a separate heading relating to the Subordinate Service, together with appointments made by heads of departments.

The case of officers serving in other departments, such as Medical, Registration, Police or Jail, should be governed by the same rule; that is to say, where Government makes the appointment, it should gazette, and only appointments so made should be recognized as gazetted appointments within the meaning of the Civil Service Regulations; in other cases heads of departments should gazette appointments of officers

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subordinate to them, subject to the orders of the local Government as to any limit which it may think it expedient to lay down.

3. The Governor-General in Council at the same time desires that it may be clearly understood that notifications investing officers with powers under different Acts, in order that the Courts may take judicial cognizance of them, do not constitute the persons invested with such powers, "gazetted officers" within the meaning of the Civil Service Regulations.

4. It is the practice for the heads of Imperial departments named below to issue notifications relating to officers serving under them in Part II of the *Gazette of India*. The orders contained in the present resolution are not intended to take away these powers; nor do they render officers so gazetted, non-gazetted officers:—

- (1) Director-General of the Post Office.
- (2) Commissioner of Northern India Salt Revenue Department.
- (3) Surveyor-General of India.
- (4) Director-General of the Geological Survey of India.
- (5) Inspector-General of Forests.
- (6) Director-General of Railways.
- (7) Director-General of Telegraphs.
- (8) Accountant-General, Public Works Department.
- (9) Surgeon-General with the Government of India.
- (10) Director-General of Military Works.

### **Power of local Governments to confer gazetted status on members of the Provincial and Subordinate Services.**

6.

*India, Home, No. 1838 (Pub.), of 16-7-1921. Ben., Appt., Nos. 6784-96A., of 2-9-1921: to Depts.*

I am directed to address the Government of Bengal on the subject of the power to confer gazetted status on members of Provincial and Subordinate Services serving under local Governments. The present orders on the subject are those which were laid down in the Home Department resolution No. 35 Public—1701-1718, dated the 8th November 1893, but the position has been altered by the issue of the rules made by the Secretary of State in Council under section 96 B (2) of the Government of

## APPOINTMENTS.

### Gazetting.

India Act, a copy of which was forwarded to the local Government with the Reforms Office letter No. 7 S., dated the 27th January 1921. Under those rules the administration of Provincial and Subordinate Services is, in Governors' Provinces, in the hands of the local Governments, and while no specific mention is made in them of the question of gazetted status, the Government of India consider that it would be inconsistent with the general spirit of the rules if the power to grant or refuse gazetted status to members of their Provincial and Subordinate Services were withheld from local Governments. The existing orders have therefore been examined to ascertain what modifications are required in order to delegate this power to local Governments.

2. The broad line of demarcation between gazetted and non-gazetted officers laid down in the resolution of 1893, was that which in the Civil Services separates the Provincial from the Subordinate Service; and in other departments, such as the Medical, Police and Jails, a similar rule was applied, *viz.*, that if an appointment was made by Government, it should be recognised as gazetted, but that if it was made by a head of a department, it should not be so recognised. This line of demarcation corresponds to some extent to that which separates the Provincial from the Subordinate Services in the rules made under section 96 B (2) of the Government of India Act. So far as the Provincial Services are concerned, no action is necessary, as the local Governments already have the required power. As regards other Government officers, the Government of India are pleased, in modification of the orders contained in the resolution of 1893, to delegate to local Governments the power to grant gazetted status at their discretion to other Government officers employed under them.

3. This delegation is made without reservation, but the Government of India think that it may be of assistance to local Governments to know how they have dealt hitherto with applications for admission to gazetted ranks from officers not entitled to that rank under the resolution. I am accordingly to explain what their policy has been. In the case of executive appointments, the applications have usually been in respect of newly-created posts not included in the cadre of any Provincial or Subordinate Service. In such cases the criterion has been whether with reference to the pay and duties of the officer the

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post approximates more nearly to a Provincial or to a Subordinate Service post, and no great difficulty has been experienced in applying this principle. But the main pressure for admission to gazetted rank has been brought to bear by, or on behalf of, the ministerial heads of offices, and the Government of India have had to take a firm stand in order to prevent the value of the status from becoming depreciated. Superintendents of the Imperial Secretariats were admitted to gazetted rank for very special reasons, but applications from the ministerial heads of other offices have been steadily refused. A few exceptions have been made, but only where there were very special considerations such as the following:—

- (a) The officer already had gazetted status before appointment.
- (b) The officer has commissioned or gazetted officers under his orders.
- (c) The officer performs duties of a technical character requiring special qualifications.
- (d) The officer is periodically left in charge of the office during the absence of his superior on tour, and has to dispose of business and to deal with gazetted officers or business men on behalf of his superior.

4. Another aspect of the question which should be remembered is that, in certain cases, for example, the new pension rules in the Government of India, Finance Department, resolution No. 1003 C.S.R., dated the 18th June 1920, concessions are only admissible to officers holding gazetted appointments. An increase in the number of gazetted appointments may, therefore, lend support to recommendations which will increase the charges on the revenues of India. Such charges will, however, fall on provincial funds in the case of provincial establishments.

5. I am to repeat that the above statement of the policy observed by the Government of India in the past has been given, not to fetter the direction of local Governments, but because it is thought that it may be of assistance to them. The grant of gazetted rank has hitherto been regarded as a privilege, and the Government of India have no doubt that local Governments will, in exercising their powers, take steps to ensure that the privilege is not unduly cheapened.

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### Allowances.

#### Gazetted status conferred on Sub-Deputy Collectors.

7.

*Ben. Appt., Res. No. 10493A., of 12-12-1921, and Nos. 10494—512A., of same date, to Commrs., Depts. and A.-G., Ben.*

The question of the improvement of the status of Sub-Deputy Collectors has for some time received the attention of Government. This was one of the points on which public opinion was invited in the resolution which was published on the 21st June 1920, containing proposals for the future organisation of the Subordinate Civil Service. The representations received in response indicated a general desire that Sub-Deputy Collectors should be formally recognised as gazetted officers of Government; and a resolution to this effect was accepted at the meeting of the Bengal Legislative Council on the 4th August 1920. The matter has since been the subject of correspondence with the Government of India, and the Governor in Council is now pleased to announce his decision that henceforth Sub-Deputy Collectors should be treated as gazetted officers and be accorded all the privileges enjoyed by such officers.

ORDER—Ordered that the resolution be published in the *Calcutta Gazette* for general information.

Ordered also that copies of the resolution be forwarded to all Commissioners of Divisions and to the other Departments of Government for information and for communication to officers subordinate to them.

Ordered also that a copy of the resolution be forwarded to the Accountant-General, Bengal, for information.

### Allowances.

#### Easements and allowances of Circle Officers.

8.

*Ben., Appt., Res. No. 4397 A., of 9-6-1921.*

In connection with the proposals for the introduction of the complete circle system in Bengal, the question of easements and allowances of circle officers has been under the consideration of Government for some time past. Sub-Deputy Collectors



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### Allowances.

at present employed on circle work draw a local allowance of Rs. 25 a month, and daily allowance, while on tour, at 50 per cent. in excess of the rates ordinarily admissible. In paragraph 148 of their report, the District Administration Committee recommended that circle officers should be given free quarters and, in addition, should receive certain local allowances, but no travelling allowances for journeys within their own circles. The Governor in Council agrees that as circle officers will be primarily touring officers, it is desirable to simplify arrangements by doing away with travelling allowance bills. It is impracticable to provide residences for these officers at once; and the Governor in Council has, therefore, decided that, until residences are provided for them, Sub-Deputy Collectors employed on circle work should draw a house allowance of Rs. 25 a month, to which should be added a local allowance of Rs. 50 in dry districts, and Rs. 75, including boat allowance, in river districts. For purposes of these allowances, districts have been classified as shown in Appendix I\* to this resolution. The allowances will be admissible to all officers employed on circle work from the 1st June 1921.

ORDER.—Ordered that the resolution be published in the *Calcutta Gazette* for general information.

Ordered also that a copy of the resolution be forwarded to all Commissioners of Divisions and to the Local Self-Government, Political (Police) and Revenue Departments of this Government, for information.

Ordered also that a copy of the resolution be forwarded to the Accountant-General, Bengal, for information.

*Memo. Nos. 4398-4402A., dated the 9th June 1921, by the Under-Secretary to the Government of Bengal, Appointment Department.*

Copy forwarded to all Commissioners of Divisions, for information.

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\*The Appendix was revised in a subsequent Government order printed as order No. 11 on page 10.

## APPOINTMENTS.

### Allowances.

2. Circle officers will spend not less than twenty days in a month on tour. They will keep tour diaries for submission periodically for the inspection of District Officers.

9.

*Ben., Appt., Nos. 3098-3103 A., of 30-3-1922, to Commrs. and A.-G., Bengal.*

I am directed to invite your attention to Government resolution No. 4397 A., dated the 9th June 1921, fixing the rates of local and house allowances for Sub-Deputy Collectors employed on circle work. In circulating the resolution, it was intimated by Government in memorandum Nos. 4398-4402 A., dated the 9th June 1921, that circle officers would spend not less than 20 days in a month on tour, and would submit their tour diaries periodically for the inspection of District Officers. With reference to these orders, the Accountant-General has issued a circular requiring each circle officer to submit with each bill claiming the local allowance a certificate that he was on tour for not less than 20 days a month. Complaints have been received that the practical operation of this rule has given rise to some difficulties, and it has been suggested that provision should be made for cases in which officers have been prevented from performing the prescribed minimum of touring on account of illness and similar causes. The question has also been raised whether concession should not be made on account of holidays.

2. It was not the intention of Government to make the drawing of the allowance conditional upon a monthly certificate. There may be circumstances legitimately preventing absence for 20 days, though it is clearly not possible to provide for all conceivable cases that may arise. The 20-day period was intended to indicate the time which taking one thing with another circle officers are expected to spend on tour; the allowance was not meant as part of an officer's emoluments, but was intended to recoup him for the expenses of actual touring within his circle calculated on the basis of 20 days' touring. It will be for the District Officers to ensure proper activity on the part of the circle officer by the scrutiny of his diaries in the light of the prescribed standard, and should the District Officers be of opinion that the circle officer is unjustifiably neglecting his duties in the matter of touring, he should order the withholding of the allowance in whole or part in a particular month, sending a copy of the order to the Accountant-General, Bengal, for information.

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### Allowances.

3. As the local allowances sanctioned for circle officers were intended to cover the expenses of actual travelling within their circles, Government have decided that in future they should be termed permanent travelling allowances.

10.

*Ben., Appt., No. 5946 A., of 7-6-1922, to A.-G., Bengal.*

I am directed to refer to this office resolution No. 4397 A., dated the 9th June 1921, sanctioning to Sub-Deputy Collectors, employed as Circle Officers, a house allowance of Rs. 25 a month, until residences are provided for them, and a local allowance of Rs. 50 in dry districts or Rs. 75, including boat allowance, in river districts. The question has been raised, whether these allowances are admissible to officers on leave on average salary, and whether the allowances are liable to assessment under the Income-tax Act. Government have decided that the house allowance is admissible to an officer during leave on average salary subject to the conditions mentioned in rule 3 of the Local Government Rules, made under rule 93 of the Fundamental Rules, and that the house allowance is also liable to income-tax under the ruling of the Government of India communicated with this Government circular Nos. 2564-2640 S.R., dated the 6th September 1918. As regards the local allowance, the Governor in Council is of opinion that this allowance is inadmissible to an officer on leave on average salary under rule 2 (2) of the Local Government Rules. In this office endorsement No. 3103 A., dated the 30th March 1922, you were informed that Government had decided that the local allowance should be termed a permanent travelling allowance. As such the local allowance is exempt from income-tax.

11.

*Ben., Appt., Nos. 2256-61 A., of 18-1-1924, to Commsr.  
and A.-G., Ben.*

I am directed to enclose a statement showing the reclassification of the districts and subdivisions into river and dry for the purpose of the fixed travelling (local) allowance of circle officers as adopted by Government in modification of Appendix I to Government resolution No. 4397 A., dated the 9th June 1921. In case any modification in the list is required in respect of particular subdivisions, changes can be proposed for the consideration of Government.

**APPOINTMENTS.****Allowances.**

The revised classification will have effect from the 1st January 1924, and travelling allowance bills for that month should be made out and passed in accordance therewith.

Statement showing the classification of districts and sub-divisions into "River" or "Dry" for purposes of allowances of circle officers.

District and subdivision.	River.	Period.	Dry.	Period.
<b>PRESIDENCY DIVISION.</b>				
<i>24-Parganas.</i>				
Sadar .. ..	River	June to October ..	Dry	November to May.
Barrackpore .. ..	..	....	Do.	Whole year.
Baraset .. ..	..	....	Do.	Ditto.
Basirhat .. ..	River	Whole year ..	..	....
Diamond Harbour ..	Do.	June to October ..	Dry	November to May.
<i>Jessore.</i>				
Sadar .. ..	..	....	Dry	Whole year.
Bongaon .. ..	..	....	Do.	Ditto.
Jhenidah .. ..	..	....	Do.	Ditto.
Magura .. ..	River	Whole year ..	..	....
Narail .. ..	Do.	Ditto ..	..	....
<i>Khulna.</i>				
Whole district ..	River	Whole year ..	..	..
<i>Nadia.</i>				
Whole district ..	..	....	Dry	Whole year.
<i>Murshidabad.</i>				
All subdivisions except Jangipur.	..	....	Dry	Whole year.
Jangipur ..	River	June to October ..	Do.	November to May.
<b>BURDWAN DIVISION.</b>				
<i>Burdwan.</i>				
Whole district ..	..	....	Dry	Whole year.

## APPOINTMENTS.

## Allowances.

District and subdivision.	River.	Period.	Dry.	Period.
<b>BURDWAN DIVISION— concluded.</b>				
<i>Birbhum.</i>				
Whole district .. ..	..	....	Dry	Whole year.
<i>Bankura.</i>				
Whole district .. ..	..	....	Dry	Whole year.
<i>Midnapore.</i>				
Sadar .. ..	..	....	Dry	Whole year.
Tamluk .. ..	River	June to October ..	Do.	November to May.
Contai .. ..	Do.	Ditto ..	Do.	Ditto.
Ghatal .. ..	Do.	Ditto ..	Do.	Ditto.
Jhargram .. ..	..	....	Do.	Whole year.
<i>Hooghly.</i>				
Sadar .. ..	..	....	Dry	Whole year.
Serampore .. ..	..	....	Do.	Ditto.
Arambagh .. ..	River	June to October ..	Do.	November to May.
<i>Howrah.</i>				
Sadar .. ..	River	June to October ..	Dry	November to May.
Uluberia .. ..	Do.	Ditto ..	Do.	Ditto.
<b>DACCA DIVISION.</b>				
<i>Dacca.</i>				
Sadar .. ..	River	Whole year ..	..	....
Munshiganj .. ..	Do.	Ditto ..	..	....
Narainganj .. ..	Do.	June to October ..	Dry	November to May.
Manikganj .. ..	Do.	Ditto ..	Do.	Ditto.
<i>Mymensingh.</i>				
Sadar .. ..	..	....	Dry	Whole year.
Jamalpur .. ..	..	....	Do.	Ditto.
Tangail .. ..	River	June to October ..	Do.	November to May.
Kishoreganj .. ..	Do.	Ditto ..	Do.	Ditto.
Netrakona .. ..	Do.	Ditto ..	Do.	Ditto.

**APPOINTMENTS.****Allowances.**

District and subdivision.	River.	Period.	Dry.	Period.
<b>DACCA DIVISION—</b> <i>concluded.</i>				
<i>Faridpur.</i>				
Sadar .. ..	River	June to October ..	Dry	November to May.
Goalundo .. ..	Do.	Ditto ..	Do.	Ditto
Madaripur .. ..	Do.	Whole year ..	..	....
Gopalganj .. ..	Do.	Ditto ..	..	....
<i>Bakarganj.</i>				
Whole district ..	River	Whole year ..	..	....
<b>RAJSHAHI DIVISION.</b>				
<i>Jalpaiguri.</i>				
Whole district ..	..	....	Dry	Whole year.
<i>Pabna.</i>				
Whole district ..	River	June to October ..	Dry	November to May.
<i>Bogra.</i>				
Whole district ..	River	June to October ..	Dry	November to May.
<i>Rajshahi.</i>				
Whole district ..	River	June to October ..	Dry	November to May.
<i>Dinajpur.</i>				
Sadar .. ..	..	....	Dry	Whole year.
Thakurgaon .. ..	..	....	Do.	Ditto.
Balurghat .. ..	River	June to October ..	Do.	November to May.
<i>Malda.</i>				
Whole district ..	..	....	Dry	Whole year.
<i>Rangpur.</i>				
Sadar .. ..	..	....	Dry	Whole year.
Nilphamari .. ..	..	....	Do.	Ditto.
Gaibbandha .. ..	..	....	Do.	Ditto.
Kurigram .. ..	River	June to October ..	Do.	November to May.

**APPOINTMENTS.****Appeals, Petitions and Memorials.**

District and subdivision.	River.	Period.	Dry.	Period.
<b>CHITTAGONG DIVISION.</b>				
<i>Chittagong.</i>				
Sadar .. ..	River	June to October ..	Dry	November to May.
Cox's Bazar ..	Do.	Ditto ..	Do.	Ditto.
<i>Noakhali.</i>				
Sadar .. ..	River	June to October ..	Dry	November to May.
Feni .. ..	..	....	Do.	Whole year.
<i>Tippera.</i>				
Sadar .. ..	River	June to October ..	Dry	November to May.
Ohandpur ..	Do.	Whole year ..	..	....
Brahmanbaria ..	Do.	Ditto ..	..	....

**Appeals, Petitions and Memorials.****Rules under section 96 B (2) of the Government of India Act relating to appeals, etc.****12.**

*India, Home, No. F-472/II-23 (Public) of 7/15-7-1924. Ben.,  
Appt., Nos. 9688-9701 A., of 18-8-1924, to Depts.*

I am directed to enclose for the information of His Excellency the Governor in Council, a copy of each of the following despatches to and from the Secretary of State relating to the rules which have now been made by the Secretary of State in Council under the provisions of section 96 B (2) of the Government of India Act :—

- (i) Despatch No. 13 (Public), dated the 27th September 1923, to the Secretary of State.
- (ii) Despatch No. 19 (Public), dated the 27th March 1924, from the Secretary of State.

2. The draft rules finally made by the Secretary of State relating to appeals were published together with the Classification Rules\* made from time to time by the Secretary of State

\*For the Classification Rules, see order No. 80, printed on page 88, post.

## APPOINTMENTS.

### Appeals, Petitions and Memorials.

in Council in the notification of the Government of India in the Home Department, No. F. 472/II-23 (Public), dated the 21st June 1924, a copy of which is also enclosed. These rules apply only to the Governor's Provinces. In view of the making of these rules, relating to appeals, the instructions regarding the submission of petitions and memorials have been amended in the Home Department notifications Nos. F. 472/II-1 and 2/23 (Public), dated the 21st June 1924, copies of which are also enclosed.

3. The reasons governing the form of the Appeal Rules and of the instructions regarding the submission of memorials and petitions are indicated in the two despatches referred to in paragraph 1 of this letter. It will be observed, however, that the rules, as published, include a rule (No. 29) not contained in the enclosure of the Secretary of State's despatch of the 27th March 1924. This rule is merely a transitory rule since made by the Secretary of State in Council to govern the rights of appeal to the Governor-General in Council and to the Secretary of State in Council in cases in which a former existing right had been exercised before the 28th June 1924, when the new Appeal Rules came into force.

*Despatch No. 13 (Public), dated the 20th/27th September 1923, from His Excellency the Governor-General of India in Council, to*  
 • *His Majesty's Secretary of State for India.*

With reference to paragraph 5 of the Secretary of State's Public Despatch No. 44 of the 3rd March 1921, we have, as requested, considered the redraft of the rules to regulate appeals to the Governor-General in Council and to the Secretary of State in Council, which was prepared under your predecessor's direction, and now communicate our observations for Your Lordship's information.

2. This redraft is for the most part a consolidation of Chapters III and IV of the draft rules proposed by Lord Chelmsford's Government under section 96 B (2) and forwarded for the approval of the Secretary of State with our Reforms Office Despatch No. 19 of 1920, dated the 18th November. Further examination of our original draft and of the redraft prepared under the direction of your predecessor convinces us that neither is suitable. Ambiguities and inconsistencies are disclosed which would render the application of the rules as drafted difficult, if not impossible, in practice; rule 1 is inconsistent with rule 2 (e), and rule 1 of the India Office redraft leaves it doubtful whether appeals are excluded, or admitted, from subordinate members of Central Services. Owing to the negative form in which



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the India Office redraft has been cast, the ordinary officer will experience considerable difficulty in understanding his position in the matter of appeal, and lastly the absence of distinction between appeals against orders by which officers feel themselves wronged, and mere representations described as petitions and memorials, extends the scope of the rules far beyond their legitimate sphere. We think it desirable to protect existing rights of appeal and to lay down a statutory right of appeal in certain cases, but, our reconsideration of the case has led us to the conclusion that the rules forwarded in our Reforms Office Despatch are not framed in a form appropriate for this purpose as they closely follow the memorial and petition rules issued by the Government of India in 1916. Those instructions were designed for a different object and were based on two principles—

- (1) that the subject has the inherent right of petitioning the Government, and
- (2) that suitable means should be devised of regulating the disposal of petitions and of transmitting them to the higher authorities in order that the time of the latter may not be wasted in dealing with frivolous or unimportant petitions.

They are therefore intended to cover a much wider ground than the rights of appeal enjoyed by Government servants against certain orders, and are unsuitable as a framework for rules regulating the right of appeal. We have accordingly drawn up a revised set of rules which provide for appeals preferred by the officers of the services mentioned in Chapter I of the rules forwarded in our Reforms Office Despatch referred to above and in cases, in which in our judgment appeals in the correct sense of the word lie, that is, against orders passed under rules X, XIII and XV of the rules contained in Chapter I.

3. The rules contained in Chapter I relate to the classification of officers under the administrative control of local Governments. The all-India services, provincial and subordinate services are defined: the regulation of appointments, promotions and transfers of officers of all-India services is provided for; the extent of the authority of local Governments over all-India and other services is described, the procedure in cases of dismissal and the extent to which authority can be delegated is laid down and finally the principle of the right of appeal against the orders referred to in the earlier rules is clearly affirmed. In our opinion the appeal rules should form a further section of this Chapter and should follow the last mentioned rule affirming the right of appeal. We have accordingly converted the proviso to rule XV into new rule XVI, beginning a new section under the sub-heading "Appeals".

4. We have put the rules in an affirmative form; and have not provided for appeals in cases in which clearly only a representation in the form of a petition or memorial could appropriately be made, as for example for the relaxation of a rule in a special case or a request for a revision of pay, or the grant of a special allowance. The draft appeal rules, in so far as they relate to the all-India services, merely

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purport to be a recodification of the existing rules and are without prejudice to subsequent examination of the question whether these rules can be maintained in their entirety in the new conditions arising out of the Reforms. We trust that the draft now forwarded is self-explanatory, but we make the following observations:—

*Rule XVII.*—It is not necessary to provide for appeal, except in the cases mentioned in rule X. Removal and dismissal as far as members of the all-India services are concerned are expressly excluded from the authority of local Governments, since the Secretary of State alone can remove or dismiss a member of an all-India service. Any officer removed or dismissed can “ memorialise ” the Secretary of State, but there is no higher authority above the Secretary of State to whom an appeal can lie. We consider that the right to appeal against withholding promotion would cover the common form of protest against—

- (1) non-selection for a selection post;
- (2) stoppage at an efficiency bar;
- (3) the withholding of increments.

On the other hand we consider that an order reflecting on the conduct of an officer but not carrying any consequence such as is referred to, should not be the subject of a formal appeal to the Secretary of State.

*Rule XVIII.*—This rule, which lays down the right of appeal enjoyed by members of a provincial service, has presented great difficulty. In paragraph 7 of our Reforms Office Despatch of the 18th November 1920, we stated that no appeal should lie against any order of a local Government from an officer who has been appointed by the local Government or by any authority subordinate to the local Government after the date on which these rules have come into force. We were of opinion that such officers might fairly be expected to rely on the influence, which public opinion and the legislature could exercise, for the protection of their interests against any tendency on the part of the local Government to exercise its authority in an unfair manner. We have, however, definitely given the right of at least one appeal, and our considered opinion is that such security may reasonably be demanded. If we provide for an appeal to the local Government, it is in effect no appeal at all, since it is merely a petition to the same authority as that which passed the order by which the officer feels himself wronged. If we provide an appeal to the Governor in Council, we may be setting the local Government on the reserved side as an appellate authority against orders passed by the local Government on the transferred side. The undesirability of this is obvious and needs no further comment. We are loath to provide for an appeal to the Government of India, both for the reasons stated in our former despatch and because such provision would take the matter out of the hands of the province to which under the Reforms Scheme it properly belongs. We have therefore provided for an appeal to the Governor himself, not because we consider this an ideal solution of this difficult question, but because it appears to be the only means by which we can provide a real right of appeal to members of a provincial service without infringing the principle of provincial autonomy and without impairing the authority of Ministers.

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*Rule XIX.*—In regard to members of subordinate services, we feel that it is illogical that the Government of India should lay down the rules regulating the procedure or channel of appeal, and we have accordingly, while affirming the general right of appeal, made it subject to such rules as the local Government may prescribe.

From rule XX we have omitted items (c), (d), (e) and (f) of rule VI (2) of Chapter III of our original draft. As we have limited appeals to certain types of orders, (c) and (d) are clearly out of place; (e) introduces the principle of a salary limit, an inappropriate criterion in rules which are based not on limits of salary, but on the type of service to which the officer belongs; (f) relates to matters which are more properly the subject of a representation rather than an appeal.

*Rule XXV* states the cases in which an appeal may be withheld; we have endeavoured to limit them to those in which an appeal as described in this despatch could be appropriately withheld.

*Rule XXVI* is a new but necessary provision that an appeal, which is withheld for technical defects, should not be withheld if these defects are removed.

5. These rules relate only to officers belonging to services defined in Chapter I, that is to members of all-India services, provincial services, and subordinate services serving under local Governments. They do not refer to officers of central services engaged in the administration of central subjects. Though in the case of central services there is not the same urgency or even necessity of framing statutory rules, yet it is in our opinion desirable that the officers belonging to such services also should enjoy a statutory right of appeal. We accordingly propose to submit separately a set of draft rules for Your Lordship's approval. They will follow the same principles as the appeal rules already discussed, but there will necessarily be some difference of terminology.

6. It will be obvious from our remarks on the unsuitability of the memorial and petition rules as a framework for the appeal rules and from our consequent limitation of the appeal rules that instructions will still be required to regulate the submission of petitions and memorials from members of the Civil Services in India to the Government of India and the Secretary of State on such subjects as are not covered by the appeal rules. A member of the service is a member of the public and as such enjoys the right of petitioning the Government which has been judicially declared to be a birthright of the subject. As, however, these instructions must apply not only to the members of the Civil Services, but also to the general public, it is impossible to enact them as statutory rules under section 96B (2). They must obviously remain as executive instructions regulating procedure and not affirming a statutory right. We have accordingly prepared a draft of such instructions which follows closely the rules issued in 1916 by the Government of India with certain modifications rendered necessary by the separation of the appeal rules proper. These are merely executive instructions and do not require Your Lordship's approval. They are only forwarded for information, but will not be published until you have approved the "appeal rules".

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. We trust that Your Lordship will accept our conclusions in regard to appeals, and accord sanction to the draft rules we submit with this despatch.

#### ENCLOSURES.

#### *Appeals.*

XVI.—Every officer against whom an order may be passed under rules X, XIII and XV, and who thinks himself wronged thereby, shall be entitled to prefer at least one appeal against such order.

XVII.—Every officer being a member of an all-India service against whom an order may be passed under rule X and who thinks himself wronged thereby may appeal to the Governor-General in Council against such order, and, if his appeal relates to an order such as is referred to in sub-heads (2), (3) and (4) of that rule and is rejected by the Governor-General in Council, may appeal to the Secretary of State in Council.

XVIII.—Every officer being a member of a provincial service, or holding a special post as defined in rule V, against whom an order may be passed under rule XIII and who thinks himself wronged thereby, may appeal to the Governor.

XIX.—Every officer being a member of a subordinate service against whom an order may be passed under rule XIII by the local Government, or under rule XV by the subordinate authority to whom the powers conferred under rule XIII have been delegated and who thinks himself wronged thereby, shall have the right of appeal to such authority as the local Government may by rule prescribe.

XX.—No appeal shall lie against—

- (a) the discharge of a person appointed by an authority in India on probation, if his discharge is ordered before the termination of his probation,
- (b) the dismissal or removal of a person holding a temporary appointment.

XXI.—Every Government servant desiring to prefer an appeal shall do so separately.

XXII.—Every appeal preferred under these rules shall contain all material statements and arguments relied on by the officer preferring the appeal, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the officer belongs or belonged and, if an appeal lies to the Governor-General in Council, or the Secretary of State in Council, through the local Government.

XXIII.—Every appeal to the Governor-General in Council, or the Secretary of State in Council, which is not withheld under these rules, shall be forwarded by the local Government to the Governor-General in Council with an expression of opinion; and every appeal to the Secretary of State in Council, which is not similarly withheld, shall be transmitted by the Governor-General in Council with an expression of his opinion and the opinion of the local Government:

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Provided that appeals to the Secretary of State in Council presented through the Government of Madras, Bombay or Bengal, which are not withheld under these rules, shall be forwarded direct to the Secretary of State in Council by the local Government, unless the appeal relates to a case which has previously been under the consideration of the Governor-General in Council, in which case it shall be forwarded in the first instance to the Governor-General in Council.

XXIV.—Every appeal shall be preferred within six months after the date on which the officer preferring the appeal was informed of the orders against which he appeals:

Provided that the local Government, or the subordinate authority,, or the Government of India, may at their discretion for good cause shown extend the period to 12 months.

XXV.—An appeal may be withheld—

- (1) which is an appeal in a case in which under these rules no appeal lies,
- (2) which does not comply with one or more of the provisions of rule XXII;
- (3) which does not comply with the provisions of rule XXIV;
- (4) which is a further appeal presented after a decision has been given by the appellate authority prescribed in these rules, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case:

Provided that in every case in which an appeal is withheld the officer preferring the appeal shall be informed of the fact and the reasons for it.

Provided further that subject to the conditions stated in rules XXII and XXIV, an appeal to the Secretary of State in Council by an officer appointed by him shall not be withheld when the appeal involves a question of the interpretation of the terms of an officer's engagement.

XXVI.—No appeal shall lie against the withholding of an appeal by a competent authority:

Provided that an appeal withheld for failure to comply with the conditions stated in rule XXII shall not be withheld if it is resubmitted in a form which complies with that rule.

XXVII.—A list of appeals withheld under rule XXV, with the reasons for withholding them, shall be forwarded quarterly to the Government of India, in the case of appeals to the Government of India or Secretary of State withheld by a local Government, and, in the case of appeals to the Secretary of State withheld by the Government of India, to the Secretary of State for India.

XXVIII.—The Secretary of State may call for any appeal withheld by the local Government or the Government of India which under the rules may be made to him and may pass such orders as he considers fit; the Governor-General in Council may send for an appeal which under the rules may be made to him, withheld by the local Government, and may pass such orders as he considers fit.

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*Draft notification by the Government of India, Home Department*  
*No. , dated the*

The following instructions for the submission, receipt and transmission of memorials and other papers of the same class to His Majesty the King Emperor of India, or to the Right Honourable the Secretary of State for India in Council, are published for general information in supersession of the instructions published with the Home Department notification No. 536, dated the 30th June 1916, as amended by subsequent notifications:—

INSTRUCTIONS REGARDING THE SUBMISSION OF MEMORIALS AND OTHER PAPERS OF THE SAME CLASS TO HIS MAJESTY THE KING, EMPEROR OF INDIA, OR TO THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL.

*N.B.*—These instructions [do not in any way affect or supersede orders issued on the subject by the military authorities for the guidance of the Army and] do not apply to the cases covered by the appeal rules published by the Secretary of State in Council under section 96B (2) of the Government of India Act.

I.—Every memorial to His Majesty or to the Secretary of State for India in Council should contain all material statements and arguments relied upon by the memorialist and be complete in itself; and it should be accompanied by a letter requesting its transmission to the authority to which it is addressed.

II.—Every memorial to His Majesty or to the Secretary of State for India in Council should be presented through the local Government having jurisdiction in respect of the subject-matter of the memorial. In cases where no local Government is in a position to deal with the subject-matter of the memorial, it should be presented through the local Government within whose jurisdiction the memorialist is or has last been residing or employed or, if there is no local Government answering to these descriptions, then through the Governor-General in Council.

The Railway Department is regarded as the local Government in respect of memorials from persons subordinate to it.

III.—Every memorial to His Majesty or to the Secretary of State for India in Council presented through the Government of Madras, Bombay or Bengal, should be forwarded direct by the local Government with a full statement of facts and an expression of opinion, except in the case of a memorial which—

(a) relates to—

(i) any rule or standing order of the Governor-General in Council; or

(ii) any Legislative proceedings of the Governor-General in Council or an Act to which the Governor-General has assented; or

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- (iii) a case which has been previously under the consideration of the Governor-General in Council; or
- (b) if granted, would cause expenditure for which the Imperial and not the local Government would be primarily responsible; or
- (c) contains a prayer for the exercise of the Royal prerogative of pardon.

Every such memorial should be forwarded with a covering letter containing a full statement of facts and an expression of opinion to the Government of India in the proper department for transmission to the Secretary of State for India in Council. ‘

NOTE.—If the memorial contains an application for the suspension or remission of a sentence under Chapter XXIX of the Code of Criminal Procedure, 1898 (Act V of 1898), which the local Government is not competent to dispose of on its own responsibility under the orders contained in rule VI in paragraph 1 of the Home Department letter No. 1126-37, dated the 10th September 1915, it should be transmitted to the Governor-General in Council and not to the Secretary of State in Council direct.

IV.—Every memorial to His Majesty or to the Secretary of State for India in Council, presented through a local Government, other than the Government of Madras, Bombay or Bengal, should be forwarded by the local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper department for transmission to the authority addressed. A memorial submitted by a private person will not ordinarily be forwarded to His Majesty or the Secretary of State for India in Council unless a petition on the same subject has already been received and rejected by the Governor-General in Council.

V.—Every memorial to His Majesty or to the Secretary of State for India in Council from a person who has been employed in the Army should, if it relates to any matter arising out of his service in the Army, be forwarded through the Army, Divisional or Independent Brigade Commander under whose jurisdiction the memorialist has served and who, from his knowledge of the memorialist or of the particulars of the case, is in a position to make the necessary recommendations. The Army, Divisional or Independent Brigade Commander will forward it with a full statement of facts and an expression of his opinion to the Government of India in the Army Department for transmission to the authority addressed.

VI.—A memorial may be transmitted either in manuscript or in print but must, with all accompanying documents, be properly authenticated by the signature of the memorialist, and must conclude with a specific prayer.

VII.—Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the vernacular, an English translation should be appended, which should be attested by the signature of the memorialist.

N.B.—It will be well for the transmitting office to examine such translations, and, if they are found to be incorrect or faulty, to notice the fact in sending on the memorial.

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VIII.—Memorials should be forwarded in duplicate. The originals will invariably be transmitted to England, a copy being retained by the Government of India, if necessary, for record.

IX.—As a general rule, the transmission to England of a memorial duly forwarded through the proper channel should not be delayed by the transmitting Government in India beyond a month after the receipt of the memorial.

X.—The Government in India are vested with discretionary power to withhold the transmission of memorials addressed to His Majesty or to the Secretary of State for India in Council in the following cases:—

- (1) When a memorial is illegible or unintelligible, or contains disrespectful or improper language.
- (2) When a second memorial is presented after a decision has already been given by the authority to which it is addressed, and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to His Majesty by a person whose appeal to the Secretary of State for India in Council has already been rejected, shall be held to be a second memorial to the same authority, and shall not be transmitted.
- (3) When a memorial is a mere application for relief, pecuniary or other, which is presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character, or is so belated that its consideration is clearly impossible.
- (4) When a memorial is an application for employment under one of the Governments in India from a person not in the service of the Government or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment.
- (5) When a memorial is a mere appeal from a judicial decision.

NOTE.—If the memorial is practically an application for the suspension or remission of a sentence under Chapter XXXIX of the Code of Criminal Procedure, 1898 (Act V of 1898), or contains such an application, it must be transmitted, unless it falls under rule XI, or unless the case is one in which the local Government or the Governor-General in Council are competent to dispose on their own responsibility under the orders contained in the Home Department letter No. 1126-37, dated the 10th September 1915.

- (6) When a memorial is a representation against a decision, which, by any law or rule having the force of law, is declared to be final.
- (7) When a memorial is addressed by an officer still in the public service and has reference to his prospective claim to pension.
- (8) When a memorial is merely a representation against the non-exercise by one of the Governments in India of a discretion vested in such Government by law or rule.



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- (9) When a memorial is a representation against the action of a private individual or of a body of private individuals regarding the private relations of the memorialist and such individual or body.
- (10) When a memorial is a representation against the application of the Civil Service Regulations or the Fundamental Rules or rules framed by the Secretary of State in Council under section 96B (2) of the Government of India Act or against the order of a local Government or of the Governor-General in Council refusing to grant or to recommend a special pension or any pecuniary or other concession not claimable under any law or rule, or a compassionate pension.
- (11) When a memorial makes a proposal regarding legislation which a local Government or the Governor-General in Council are not prepared to support.
- (12) When a memorial is a representation preferred more than six months after the date on which the memorialist was informed of the orders to which he objects: provided that a local Government or the Governor-General in Council may, at their discretion, extend the period of twelve months, if the delay will facilitate a settlement of the disputes or other good cause is shown.
- (13) When the petition is a representation against an order from which, under the appeal rules published by the Secretary of State in Council under section 96B (2) of the Government of India Act, no appeal lies:

Provided that, subject to what is said in clauses (1), (2), (3) and (5) no appeal to the Secretary of State for India in Council by an officer appointed by him, irrespective of the rate of pay drawn, shall be withheld when the appeal involves a question of the interpretation of the terms of the officer's engagement.

XI.—The Governor-General in Council may withhold the transmission of a memorial to His Majesty or to the Secretary of State for India in Council, if the memorialist has not previously memorialised the Governor-General in Council and the local Government concerned on the same subject: provided that when a memorial contains a prayer for the exercise of the Royal prerogative of pardon and is addressed to His Majesty, it must be transmitted to the Secretary of State for India in Council, unless His Excellency the Viceroy thinks fit to grant the prayer in virtue of his authority to exercise this prerogative on His Majesty's behalf, or unless the memorial is from a convict under sentence of death, in which case it may be dealt with in the same way as a memorial falling under the provisions of the note to rule X (5).

The Government of Madras, Bombay or Bengal may withhold the transmission of a memorial which under rule IV they are authorised to forward direct, if the memorialist has not previously memorialised the local Government concerned on the same subject.

XII.—When a memorial is withheld, the memorialist should be informed of the fact and of the reason for it.

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*Draft notification by the Government of India, Home Department,  
No.                      dated the*

The following instructions regarding the submission of petitions to the Government of India are published for general information in supersession of the rules published with the Home Department notification No. 534, dated the 30th June 1916:—

#### INSTRUCTIONS REGARDING THE SUBMISSION OF PETITIONS TO THE GOVERNOR-GENERAL IN COUNCIL.

##### *General Explanations.*

1. In these instructions the words "local Government" include a local administration and the Commander-in-Chief in India and also, as regards petitioners whose salary is Rs. 50 a month or less the head of a department directly under the Government of India, and Army Divisional and Independent Brigade Commanders.

2. These instructions do not apply to non-pensionable subordinate, clerical and menial establishments employed in the construction and working of State Railways, to whom circular No. VI-Railway, Public Works Department, dated the 1st June 1888, applies.

3. These instructions apply, so far as may be, to all memorials, letters and applications, etc., addressed to the Governor-General in Council.

4. These instructions apply also to petitions by persons no longer in military employ who have served in the Army or the Royal Indian Marine, or have been attached to regiments or batteries or the Staff or departments of the Army in any capacity.

5. These instructions do not apply to the cases covered by the rules regulating appeals issued by the Secretary of State under section 9CB (2) of the Government of India Act.

#### SECTION I.

*As to the submission of petitions to the Governor-General in Council  
by private persons or public bodies.*

1. Every petition to the Governor-General in Council should be forwarded through the local Government having jurisdiction in respect of the subject-matter of the petition. In cases where no local Government is in a position to deal with the subject-matter of the petition, it should be forwarded through the local Government within whose jurisdiction the petitioner is or has last been residing or employed.

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The Railway Department is regarded as the local Government in respect of memorials from persons subordinate to it.

2. A petition may be either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the petitioner, or, when the petitioners are numerous, by the signatures of one or more of them, and it must conclude with a specific prayer.

3. Every petition should be accompanied by a letter addressed to the local Government requesting its transmission to the Governor-General in Council, and, when any order of a local Government is appealed against, by a copy of such order as well as of any orders passed in the case by subordinate authorities.

4. Communications on matters connected with any Bills before the Indian Legislature may be addressed either in the form of a petition to the Governor-General in Council or in a letter to the Secretary in the Legislative Department, and must in either case be sent to the Secretary in the Legislative Department. Ordinarily such communications will not be answered. Except in the case of the High Court at Fort William, such communications from courts, officials or public bodies should be sent through the local Government.

## SECTION II.

*As to the submission of petitions by officers in civil employ.\**

5. Every officer in civil employ wishing to petition the Governor-General in Council should do so separately:

Provided that nothing in this instruction shall apply to representations submitted by recognised associations of Government service in accordance with such rules as may from time to time be prescribed by the Governor-General in Council.

6. Every petition from an officer in civil employ should be submitted through the head of the office or department to which the petitioner belongs or belonged, and should be forwarded by him through the usual official channel.

7. No officer in civil employ may submit a petition in respect of any matter connected with his official position unless he has some personal interest in the matter.

8. No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer in civil employ, unless it is submitted by the officer himself.

\*NOTE (1).—The term “civil employ” includes employment by a local authority.

NOTE (2).—For the purposes of the instructions in this section a petitioner is considered to be an “officer in civil employ,” if he has been previously in civil employ and his petition relates to any matter connected with his position while in such employ or the circumstances in which he left it.

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#### SECTION III.

*As to the transmission or withholding of petitions by local Governments.*

9. Every petition to the Governor-General in Council should be forwarded by the local Government concerned with a concise statement of the material facts and (unless there are special reasons for not doing so) an expression of opinion.

10. When the petition is not in English the local Government should transmit a translation with it.

11. Local Governments are vested with discretionary power to withhold petitions addressed to the Governor-General in Council in the following cases:—

- (1) When a petition is illegible or unintelligible, or contains language which, in the opinion of the local Government, is disloyal, disrespectful or improper.
- (2) When a previous petition has been disposed of by the Secretary of State for India in Council or the Governor-General in Council, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (3) When a petition is a mere application for relief, pecuniary or other, which is presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character, or is so belated that its consideration is clearly impossible.
- (4) When a petition is an application for employment from a person not in the service of Government; or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment.
- (5) When a petition is an appeal from a judicial decision with which the executive has no legal power of interference.

**NOTE.**—In the following cases, namely:—

- (a) when a petition is an appeal from a judicial decision in a case in which the Government has reserved any discretion of interference; or
- (b) when a petition is an appeal from a judicial decision in a suit to which the Government was a party; or
- (c) when a petition is practically a prayer for mercy or pardon, or contains such a prayer, the petition must be transmitted to the Governor-General in Council unless it falls under clause (12) of this rule, or unless it is a petition of the kind referred to in clause (c) and the case is one of which the local Government is competent to dispose on its own responsibility under the orders contained in the Home Department letter No. 1126-37, dated the 10th September 1915.
- (6) When a petition is a representation against the application of the Civil Service Regulations or the Fundamental Rules or rules framed by the Secretary of State in Council under section 96B (2) of the Government of India Act, or against

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the order of a local Government refusing to grant or to recommend a special pension or any pecuniary or other concession not claimable under any law or rule, or a compassionate pension.

- (7) When a petition is an appeal against a decision which by any law or rule having the force of law is declared to be final.
- (8) When a petition is addressed by an officer still in the public service and has reference to his prospective claim for pension, except as provided in article 915 of the Civil Service Regulations.
- (9) When a petition is a representation against the non-exercise by the local Government of a discretion vested in it by law or rule.
- (10) When a petition is an application in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for making the application has been exceeded.
- (11) When a petition is a representation against an order or decision of the local Government, and is made more than six months after the communication of such order or decision to the petitioner without satisfactory explanation of the delay.
- (12) When a petition relates to a subject on which the local Government is competent to pass orders and no previous application for redress has been made to the local Government.
- (13) When a petition makes a proposal regarding legislation which the local Government is not prepared to support.
- (14) When the petition refers to matters in which the petitioner has not a direct personal interest, unless it is a petition of the kind described in the note to clause (5).
- (15) When the petition is a representation against an order against which, under the appeal rules published by the Secretary of State in Council under section 96B (2) of the Government of India Act, no appeal lies.

12. If a petition is withheld, the petitioner should be informed of the fact and the reason for it.

*Despatch No. 19 (Public), dated the 27th March 1924, from His Majesty's Secretary of State for India in Council, to the Governor-General of India in Council.*

I have considered in Council the Despatch of Your Excellency's Government, No. 13 (Public), dated the 27th September, with which you forwarded for my predecessor's consideration a draft of rules to be framed under section 96B (2) of the Government of India Act to regulate appeals by members of the Civil Services in India to the Governor-General in Council and the Secretary of State in Council.

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I have also considered your telegraphic reply, dated the 8th March last, to the telegram, dated 5th December 1923, in which my predecessor found it necessary to raise certain points upon that draft. I agree that this draft is a great improvement on that which accompanied your Reforms Office Despatch of the 18th November 1920, and that it sets out in an appropriate form the essential principles in the matter of appeals which necessarily follow on the rules framed by the Secretary of State in Council on the 22nd December 1920 for the classification of services, and for the division of the functions of control to be exercised over the several classes by the local Governments, Your Excellency's Government and the Secretary of State in Council. I have found it necessary to make some changes in your draft, which I now proceed to enumerate, with the reasons for them.

First, I have added the following provisos to Rule XVIII:—

“ Provided that any officer to whom this rule applies and who was appointed by the Secretary of State in Council before the commencement of the Government of India Act, 1919, may appeal against any order passed on appeal by the Governor under this rule to the Governor-General in Council, and thereafter to the Secretary of State in Council, if his salary is not less than Rs. 500 a month :

“ Provided further, that a further appeal under this rule shall lie to the Governor-General from any Deputy Collector to whom, in virtue of section 4 of the Repealing and Amending Act, 1914, the provisions of section 25 of Bengal Regulation IX of 1833 apply.”

I consider that unless the first of these provisos is inserted, the provisions of Rule XVIII will be in conflict with those of the proviso to section 96B (2), and would consequently be *ultra vires*; for whatever doubts may exist as to the meaning to be attached to the proviso to section 96B, it cannot, in my opinion, be doubted that the right which the memorial rules allow to members of the Provincial Services and holders of special posts to have their grievances adjudicated upon by the Governor-General in Council and by the Secretary of State in Council is an “ existing right ” within the meaning of that sub-section which must be preserved for those persons to whom it applies.

The necessity for the second proviso is self-explanatory.

Secondly, in Rule 20 I have substituted the words “ appointed by any authority in India to hold ” for “ holding,” since I regard the principle enacted in section 96B (1) of the Act as applying no less to temporary than to permanent appointments.

2. I agree with Your Excellency's Government that, subject to the reservation I have just mentioned, which will affect comparatively few members of the Services in question, it is not possible, consistently with the maintenance of the principles underlying the reforms scheme, to avoid the curtailment which the new rules will involve of the existing rights of appeal available to members of the Provincial and Subordinate Services and holders of “ special posts,” and that this curtailment must affect existing members of these Services equally with

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future entrants. Any attempt to preserve the old system in respect of persons now in the Service, and to confine the operation of the new rules to future entrants only, would be inconsistent, so far as persons serving in transferred departments are concerned, with the statutory limitations which have been placed on the power to intervene in the administration of such departments exerciseable by the Governor-General in Council and the Secretary of State in Council; and even if it were administratively possible to differentiate in this respect between Services controlled by the Governor in Council and the Governor acting with his Ministers respectively, it would be equally inconsistent with the principles underlying the rules framed in December 1920 to provide for review by external authority of the local Governments' decisions affecting the members of the Services which they now control.

3. I enclose, for the information of Your Excellency's Government and for promulgation, a copy of the rules as I have framed them, together with a copy of the Resolution with which I have adopted them in Council. I shall await your proposals for the corresponding rules to be framed with respect to members of Central Services engaged in the administration of central subjects under the direct control of Your Excellency's Government.

4. As regards the Instructions which will still be required to regulate the submission of memorials and representations from members of the public (including, in respect of matters not covered by the statutory rules relating to appeals, members of the Public Services), I have the following observations to make on your redraft of these documents:—

(i) I see no sufficient reason for the omission of a clause corresponding to Rule XXVII of the appeal rules requiring the submission of quarterly returns of memorials withheld, and I would prefer that provision to this effect should be reinserted before the revised instructions are issued.

(ii) The references in the proviso to clause X of the revised Instructions relating to memorials addressed to the Secretary of State should be to paragraphs (1), (2) and (4), and not to paragraphs (1), (2), (3) and (5).

(iii) I should prefer that clause 10 of Rule X of the Instructions relating to the submission of memorials to His Majesty or to the Secretary of State, and clause (6) of Rule 11 of the corresponding Instructions affecting Your Excellency's Government should be supplemented by a proviso in the following sense:—

“ Provided that representation of the nature described in the first part of this clause which calls into question the correctness of the interpretation placed by any authority other than the Secretary of State in Council on any rule framed or approved by the Secretary of State in Council shall be forwarded to the Governor-General in Council, and shall not be liable to be withheld under this clause by the Governor-General in Council if in his opinion there is a reasonable doubt as to the correctness of the interpretation in question.”

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5. It will of course be understood that the changes now made in these Instructions and the omission from them of matter specifically relating to appeals from Government servants does not affect the understanding that no material change should be made in these Instructions by Your Excellency's Government or by a local Government without the previous approval of the Secretary of State in Council.

#### RESOLUTION BY THE SECRETARY OF STATE FOR INDIA IN COUNCIL.

In exercise of the powers conferred by section 96B (2) of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of votes at a meeting of the Council held this 25th day of March 1924, hereby makes the following amendment in and addition to the rules framed under the said sub-section by the Secretary of State in Council on the 22nd December 1920 as subsequently amended, which shall have effect from the date of publication by the Governor-General in Council in the *Gazette of India*, namely:—

- (1) The proviso to Rule XV of the said rules shall be omitted.
- (2) After Rule XV of the said rules, the following shall be inserted, namely:—

#### *Appeals.*

XVI.—Every officer against whom an order may be passed under Rules X, XIII and XV, and who thinks himself wronged thereby shall be entitled to prefer at least one appeal against such order.

XVII.—Every officer being a member of an all-India service against whom an order may be passed under Rule X and who thinks himself wronged thereby may appeal to the Governor-General in Council against such order, and if his appeal relates to an order such as is referred to in sub-heads (2), (3) and (4) of that rule and is rejected by the Governor-General in Council may appeal to the Secretary of State in Council.

XVIII.—Every officer being a member of a provincial service, or holding a special post as defined in Rule V, against whom an order may be passed under Rule XIII and who thinks himself wronged thereby may appeal to the Governor:

Provided that any officer to whom this rule applies, and who was appointed by the Secretary of State in Council before the commencement of the Government of India Act, 1919, may appeal against any order passed on appeal by the Governor under this rule to the Governor-General in Council, and thereafter to the Secretary of State in Council, if his salary is not less than Rs. 500 a month:

Provided further that a further appeal under this rule shall lie to the Governor-General from any Deputy Collector to whom, in virtue of section 4 of the Repealing and Amending Act, 1914, the provisions of section 25 of Bengal Regulation IX of 1833 apply.

XIX.—Every officer being a member of a subordinate service against whom an order may be passed under Rule XIII by the local Government, or under Rule XV by the subordinate authority to whom the



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powers conferred under Rule XIII have been delegated and who thinks himself wronged thereby shall have the right of appeal to such authority as the local Government may by rule prescribe.

XX.—No appeal shall lie against—

- (a) the discharge of a person appointed by an authority in India on probation, if his discharge is ordered before the termination of his probation,
- (b) the dismissal or removal of a person appointed by an authority in India to hold a temporary appointment.

XXI.—Every Government servant desiring to prefer an appeal shall do so separately.

XXII.—Every appeal preferred under these rules shall contain all material statements and arguments relied on by the officer preferring the appeal, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the officer belongs or belonged, and, if an appeal lies to the Governor-General in Council or the Secretary of State in Council, through the local Government.

XXIII.—Every appeal to the Governor-General in Council, or the Secretary of State in Council, which is not withheld under these rules shall be forwarded by the local Government to the Governor-General in Council with an expression of opinion; and every appeal to the Secretary of State in Council, which is not similarly withheld shall be transmitted by the Governor-General in Council with an expression of his opinion and the opinion of the local Government:

Provided that appeals to the Secretary of State in Council presented through the Government of Madras, Bombay or Bengal, which are not withheld under these rules, shall be forwarded direct to the Secretary of State in Council by the local Government unless the appeal relates to a case which has previously been under the consideration of the Governor-General in Council, in which case it shall be forwarded in the first instance, to the Governor-General in Council.

XXIV.—Every appeal shall be preferred within six months after the date on which the officer preferring the appeal was informed of the orders against which he appeals:

Provided that the local Government, or the subordinate authority, or the Government of India may at their discretion for good cause shown extended the period to 12 months.

XXV.—An appeal may be withheld—

- (1) which is an appeal in a case in which under these rules no appeal lies,
- (2) which does not comply with one or more of the provisions of Rule XXII,
- (3) which does not comply with the provisions of Rule XXIV,

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- (4) which is a further appeal presented after a decision has been given by the appellate authority prescribed in these rules, and no new facts or circumstances are adduced which afforded grounds for a reconsideration of the case :

Provided that in every case in which an appeal is withheld the officer preferring the appeal shall be informed of the fact and the reasons for it :

Provided further that subject to the conditions stated in Rules XXII and XXIV an appeal to the Secretary of State in Council by an officer appointed by him shall not be withheld when the appeal involves a question of the interpretation of the terms of an officer's engagement.

XXVI.—No appeal shall lie against the withholding of an appeal by a competent authority :

Provided that an appeal withheld for failure to comply with the conditions stated in Rule XXII shall not be withheld if it is resubmitted in a form which complies with that rule.

XXVII.—A list of appeals withheld under Rule XXV, with the reasons for withholding them, shall be forwarded quarterly to the Government of India, in the case of appeals to the Government of India or Secretary of State withheld by a local Government, and, in the case of appeals to the Secretary of State withheld by the Government of India, to the Secretary of State for India.

XXVIII.—The Secretary of State may call for any appeal withheld by the local Government or the Government of India which under the rules may be made to him and may pass such orders as he considers fit: the Governor-General in Council may send for an appeal withheld by the local Government which under the rules may be made to him, and may pass such orders as he considers fit.

*Notification by the Government of India, Home Department,  
No. F.-472- 11-23, dated the 21st June 1924.*

### CLASSIFICATION OF OFFICERS UNDER ADMINISTRATIVE CONTROL OF LOCAL GOVERNMENTS.

The following rules made by the Secretary of State in Council under sub-section (2) of section 96B of the Government of India Act are published for general information. Rules XVI to XXIX and the entry in the Schedule of Provincial Services relating to Burma have effect from the 21st June 1924. The remaining rules have been in operation with effect from varying dates since the 22nd December 1920 :—

\* \* \* \* \*

NOTE.—For the Classification Rules, see order No. 30, printed on page 88 *post.*

## **APPOINTMENT.**

### **Appeals, Petitions and Memorials.**

#### **AUTHORITY OF LOCAL GOVERNMENT OVER OFFICERS OF ALL-INDIA SERVICES.**

X. A local Government may for good and sufficient reasons—

- (1) censure,
- (2) reduce to a lower post,
- (3) withhold promotion from, or
- (4) suspend from his office

any officer of an all-India service:

Provided that no head of a department appointed with the approval of the Governor-General in Council shall be reduced to any lower post without the sanction of the Governor-General in Council.

#### **MILITARY OFFICERS IN CIVIL EMPLOY.**

XI. A military officer may not be reverted from his civil employment, except under the orders of the Governor-General in Council.

#### **SPECIAL CONTRACTS.**

XII. The sanction of the Secretary of State in Council is required to any terms in a special contract, by which any right, privilege or concession not admissible under these rules is secured to an officer.

#### **AUTHORITY OF LOCAL GOVERNMENT OVER OFFICERS OF PROVINCIAL AND SUBORDINATE SERVICES, AND OFFICERS HOLDING SPECIAL APPOINTMENTS.**

XIII. Without prejudice to the provisions of any law for the time being in force, the local Government may for good and sufficient reasons—

- (1) censure,
- (2) withhold promotion from,
- (3) reduce to a lower post,
- (4) suspend,
- (5) remove, or
- (6) dismiss.

any officer holding a post in a provincial or subordinate service or a special appointment.

#### **PROCEDURE IN CASES OF DISMISSAL, REMOVAL OR REDUCTION.**

XIV. Without prejudice to the provisions of the Public Servants' Inquiries Act, 1850, in all cases in which the dismissal, removal or

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reduction of any officer is ordered, the order shall, except when it is based on facts or conclusions established at a judicial trial, or when the officer concerned has absconded with the accusation hanging over him, be preceded by a properly recorded departmental enquiry. At such an enquiry a definite charge in writing shall be framed in respect of each offence and explained to the accused, the evidence in support of it and any evidence which he may adduce in his defence shall be recorded in his presence and his defence shall be taken down in writing. Each of the charges framed shall be discussed and a finding shall be recorded on each charge.

NOTE.—In Bengal Government Appointment Department, Nos. 548-52 A.—D., of 1st October 1924, to Commissioners (copy sent to District Officers and Departments) attention was invited to the requirements of this rule. It was directed that the rule should be strictly followed as an error in procedure may vitiate the whole enquiry and leave the appellate authority no option but to set it aside.

### DELEGATION.

XV. A local Government may delegate to any subordinate authority, subject to such conditions, if any, as it may prescribe, any of the powers conferred by rule XIII in regard to officers of the subordinate services:

Provided that every such officer on whom any punishment is inflicted shall be entitled to prefer at least one appeal against such order to such authority as the local Government may prescribe.

### APPEALS.

XVI. Every officer against whom an order may be passed under rules X, XIII and XV and who thinks himself wronged thereby shall be entitled to prefer at least one appeal against such order.

XVII. Every officer being a member of an all-India service against whom an order may be passed under rule X and who thinks himself wronged thereby may appeal to the Governor-General in Council against such order, and if his appeal relates to an order such as is referred to in sub-heads (2), (3), and (4) of that rule and is rejected by the Governor-General in Council may appeal to the Secretary of State in Council.

XVIII. Every officer being a member of a provincial service, or holding a special post as defined in rule V against whom an order may be passed under rule XIII and who thinks himself wronged thereby may appeal to the Governor:

Provided that any officer to whom this rule applies, and who was appointed by the Secretary of State in Council before the commencement of the Government of India Act, 1919, may appeal against any order passed on appeal by the Governor under this rule to the Governor-General in Council, and thereafter to the Secretary of State in Council, if his salary is not less than Rs. 500 a month:

Provided further that a further appeal under this rule shall lie to the Governor-General from any Deputy Collector to whom, in virtue

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of section 4 of the Repealing and Amending Act, 1914, the provisions of section 25 of Bengal Regulation IX of 1833 apply.

XIX. Every officer being a member of a subordinate service against whom an order may be passed under rule XIII by the local Government, or under rule XV by the subordinate authority to whom the powers conferred under rule XIII have been delegated and who thinks himself wronged thereby shall have the right of appeal to such authority as the local Government may by rule prescribe.

XX. No appeal shall lie against—

- (a) the discharge of a person appointed by an authority in India, on probation, if his discharge is ordered before the termination of his probation,
- (b) the dismissal or removal of a person appointed by an authority in India to hold a temporary appointment.

XXI. Every Government servant desiring to prefer an appeal shall do so separately.

XXII. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the officer preferring the appeal, shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the officer belongs or belonged and, if an appeal lies to the Governor-General in Council or the Secretary of State in Council, through the local Government.

XXIII. Every appeal to the Governor-General in Council, or the Secretary of State in Council, which is not withheld under these rules shall be forwarded by the local Government to the Governor-General in Council with an expression of opinion; and every appeal to the Secretary of State in Council, which is not similarly withheld, shall be transmitted by the Governor-General in Council with an expression of his opinion and the opinion of the local Government: “

Provided that appeals to the Secretary of State in Council presented through the Government of Madras, Bombay or Bengal, which are not withheld under these rules, shall be forwarded direct to the Secretary of State in Council by the local Government unless the appeal relates to a case which has previously been under the consideration of the Governor-General in Council, in which case it shall be forwarded, in the first instance, to the Governor-General in Council.

XXIV. Every appeal shall be preferred within six months after the date on which the officer preferring the appeal was informed of the orders against which he appeals:

Provided that the local Government, or the subordinate authority, or the Government of India may at their discretion for good cause shown extend the period to 12 months.

XXV. An appeal may be withheld—

- (1) which is an appeal in a case in which under these rules no appeal lies,

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- (2) which does not comply with one or more of the provisions of rule XXII,
- (3) which does not comply with the provisions of rule XXIV,
- (4) which is a further appeal presented after a decision has been given by the appellate authority prescribed in these rules, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case;

Provided that in every case in which an appeal is withheld the officer preferring the appeal shall be informed of the fact and the reasons for it:

Provided further that, subject to the conditions stated in rules XXII and XXIV, an appeal to the Secretary of State in Council by an officer appointed by him shall not be withheld when the appeal involves a question of the interpretation of the terms of an officer's engagement.

XXVI. No appeal shall lie against the withholding of an appeal by a competent authority:

Provided that an appeal withheld for failure to comply with the conditions stated in rule XXII shall not be withheld if it is resubmitted in a form which complies with that rule.

XXVII. A list of appeals withheld under rule XXV, with the reasons for withholding them, shall be forwarded quarterly to the Government of India, in the case of appeals to the Government of India or Secretary of State withheld by a local Government, and, in the case of appeals to the Secretary of State withheld by the Government of India, to the Secretary of State for India.

XXVIII. The Secretary of State may call for any appeal withheld by the local Government or the Government of India which under the rules may be made to him and may pass such orders as he considers fit; the Governor-General in Council may send for an appeal withheld by the local Government which under the rules may be made to him, and may pass such orders as he considers fit.

XXIX. Notwithstanding anything contained in the foregoing rules any officer who immediately before the coming into operation of these rules had a right of appeal against a particular order passed by a local Government to the Governor-General in Council and thereafter to the Secretary of State in Council and who had appealed against that order to the Governor-General in Council before these rules came into operation may appeal against that order to the Governor-General in Council and thereafter to the Secretary of State in Council.

### SCHEDULE OF PROVINCIAL SERVICES.

(*Rule III.*)

#### BENGAL.

- (1) Bengal Civil Service.
- (2) Bengal Educational Service.

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- (3) Bengal Civil Medical Service.
- (4) Bengal Police Service.
- (5) Bengal Agricultural Service.
- (6) Bengal Engineering Service.
- (7) Bengal Forest Service.
- (8) District Registrars.
- (9) Bengal Excise Service, that is, Prosecutors, Superintendents and Deputy Commissioners.
- (10) Bengal Veterinary Service.
- (11) Deputy Sanitary Commissioners (not belonging to the Indian Medical Service.
- (12) Bengal Pilot Service.
- (13) Bengal Gardeners' Service.

*Notification by the Government of India, Home Department,  
No. F.-472- II-1-23, dated the 21st June 1924.*

The following instructions for the submission, receipt and transmission of memorials and other papers of the same class to His Majesty the King-Emperor of India, or to the Right Honourable the Secretary of State for India in Council are published for general information in supersession of the instructions published with the Home Department Notification No. 536, dated the 30th June 1916, as amended by subsequent notifications:—

INSTRUCTIONS REGARDING THE SUBMISSION OF MEMORIALS AND OTHER PAPERS OF THE SAME CLASS TO HIS MAJESTY THE KING-EMPEROR OF INDIA, OR TO THE RIGHT HONOURABLE THE SECRETARY OF STATE FOR INDIA IN COUNCIL.

*N.B.*—These instructions [do not in any way affect or supersede orders issued on the same subject by the military authorities for the guidance of the Army and] do not apply to the cases covered by the appeal rules published by the Secretary of State in Council under section 96B (2) of the Government of India Act.

I. Every memorial to His Majesty or to the Secretary of State for India in Council should obtain all material statements and arguments relied upon by the memorialist and be complete in itself; and it should be accompanied by a letter requesting its transmission to the authority to which it is addressed.

II. Every memorial to His Majesty or to the Secretary of State for India in Council should be presented through the local Government having jurisdiction in respect of the subject-matter of the memorial. In cases where no local Government is in a position to deal with the subject-matter of the memorial, it should be presented through the local Government within whose jurisdiction the memorialist is or has last been residing or employed or, if there is no local Government answering to these descriptions, then through the Governor-General in Council.

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The Railway Department is regarded as the local Government in respect of memorials from persons subordinate to it.

III. Every memorial to His Majesty or to the Secretary of State for India in Council presented through the Government of Madras, Bombay or Bengal should be forwarded direct by the local Government with a full statement of facts and an expression of opinion, the Secretary of State for India in Council.

(a) relates to—

(i) any rule or standing order of the Governor-General in Council; or

(ii) any Legislative Proceedings of the Governor-General in Council or an Act to which the Governor-General has assented; or

(iii) a case which has been previously under the consideration of the Governor-General in Council; or

(b) if granted, would cause expenditure for which the Imperial and not the local Government would be primarily responsible; or

(c) contains a prayer for the exercise of the Royal prerogative of pardon.

Every such memorial should be forwarded with a covering letter containing a full statement of facts and an expression of opinion to the Government of India in the proper department for transmission to the Secretary of State for India in Council.

NOTE.—If the memorial contains an application for the suspension or remission of a sentence under Chapter XXIX of the Code of Criminal Procedure, 1898 (Act V of 1898), which the local Government is not competent to dispose of on its own responsibility under the orders contained in rule VI in paragraph I of the Home Department letter No. 1126-37, dated the 10th September 1915, it should be transmitted to the Governor-General in Council and not to the Secretary of State in Council direct.

IV. Every memorial to His Majesty or to the Secretary of State for India in Council presented through a local Government, other than the Government of Madras, Bombay or Bengal, should be forwarded by the local Government, with a full statement of facts and an expression of opinion, to the Government of India in the proper department for transmission to the authority addressed. A memorial submitted by a private person will not ordinarily be forwarded to His Majesty or to the Secretary of State for India in Council unless a petition on the same subject has already been received and rejected by the Governor-General in Council.

V. Every memorial to His Majesty or to the Secretary of State for India in Council from a person who has been employed in the Army should, if it relates to any matter arising out of his service in the Army, be forwarded through the Army, Divisional or Independent Brigade Commander under whose jurisdiction the memorialist has served and who, from his knowledge of the memorialist or of the particulars of the case, is in a position to make the necessary recommendations.



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The Army, Divisional or Independent Brigade Commander will forward it with a full statement of facts and an expression of his opinion to the Government of India in the Army Department for transmission to the authority addressed.

VI. A memorial may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the memorialist, and must conclude with a specific prayer.

VII. Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the vernacular, an English translation should be appended, which should be attested by the signature of the memorialist.

*N.B.*—It will be well for the transmitting office to examine such translations, and if they are found to be incorrect or faulty, to notice the fact in sending on the memorial.

VIII. Memorials should be forwarded in duplicate. The originals will invariably be transmitted to England, a copy being retained by Government of India, if necessary, for record.

IX. As a general rule, the transmission to England of a memorial duly forwarded through the proper channel should not be delayed by the transmitting Government in India beyond a month after the receipt of the memorial.

X. The Governments in India are vested with discretionary power to withhold the transmission of memorials addressed to His Majesty or to the Secretary of State for India in Council in the following cases:—

- (1) When a memorial is illegible or unintelligible, or contains disrespectful or improper language.
- (2) When a second memorial is presented after a decision has already been given by the authority to which it is addressed, and when no new facts or circumstances are adduced which afford grounds for a reconsideration of the case. A memorial addressed to His Majesty by a person whose appeal to the Secretary of State for India in Council has already been rejected, shall be held to be a second memorial to the same authority, and shall not be transmitted.
- (3) When a memorial is a mere application for relief, pecuniary or other, which is presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character, or is so belated that its consideration is clearly impossible.
- (4) When a memorial is an application for employment under one of the Governments in India from a person not in the service of the Government or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment.

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- (5) When a memorial is a mere appeal from a judicial decision.

**NOTE.**—If the memorial is practically an application for the suspension or remission of a sentence under Chapter XXIX of the Code of Criminal Procedure, 1898 (Act V of 1898), or contains such an application, it must be transmitted unless it falls under rule XI, or unless the case is one of which the local Government or the Governor-General in Council are competent to dispose on their own responsibility under the orders contained in the Home Department letter No. 1126-37, dated the 10th September 1915.

- (6) When a memorial is a representation against a decision which, by any law or rule having the force of law, is declared to be final.
- (7) When a memorial is addressed by an officer still in the public service and has reference to his prospective claim to pension.
- (8) When a memorial is merely a representation against the non-exercise by one of the Governments in India of a discretion vested in such Government by law or rule.
- (9) When a memorial is a representation against the action of a private individual or of a body of private individuals regarding the private relations of the memorialist and such individual or body.
- (10) When a memorial is a representation against the application of the Civil Service Regulations or the Fundamental Rules or rules framed by the Secretary of State in Council under section 96B (2) of the Government of India Act or against the order of a local Government or of the Governor-General in Council refusing to grant or to recommend a special pension or any pecuniary or other concession not claimable under any law or rule, or a compassionate pension:
- Provided that a representation of the nature described in the first part of this clause which calls into question the correctness of the interpretation placed by any authority other than the Secretary of State in Council or any rule framed or approved by the Secretary of State in Council shall be forwarded to the Governor-General in Council, and shall not be liable to be withheld under this clause by the Governor-General in Council, if in his opinion there is a reasonable doubt as to the correctness of the interpretation in question.
- (11) When a memorial makes a proposal regarding legislation which a local Government or the Governor-General in Council are not prepared to support.
- (12) When a memorial is a representation preferred more than six months after the date on which the memorialist was informed of the orders to which he objects provided that a local Government or the Governor-General in Council may, at their discretion, extend the period to twelve months, if the delay will facilitate a settlement of the dispute or other good cause is shown.
- (13) When the petition is a representation against an order from which, under the appeal rules published by the Secretary of

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### Appeals, Petitions and Memorials.

State in Council under section 96B (2) of the Government of India Act, no appeal lies:

Provided that, subject to what is said in clauses (1), (2) and (4) no appeal to the Secretary of State for India in Council by an officer appointed by him irrespective of the rate of pay drawn, shall be withheld when the appeal involves a question of the interpretation of the terms of the officer's engagement.

XI. The Governor-General in Council may withhold the transmission of a memorial to His Majesty or to the Secretary of State for India in Council, if the memorialist has not previously memorialised the Governor-General in Council and the local Government concerned on the same subject; provided that when a memorial contains a prayer for the exercise of the Royal prerogative of pardon and is addressed to His Majesty, it must be transmitted to the Secretary of State for India in Council, unless His Excellency the Viceroy thinks fit to grant the prayer in virtue of his authority to exercise this prerogative on His Majesty's behalf, or unless the memorial is from a convict under sentence of death in which case it may be dealt with in the same way as a memorial falling under the provisions of the note to rule X (5).

The Government of Madras, Bombay or Bengal may withhold the transmission of a memorial which under rule IV they are authorised to forward direct if the memorialist has not previously memorialised the local Government concerned on the same subject.

XII. When a memorial is withheld, the memorialist should be informed of the fact and of the reason for it.

XIII. A list of memorials withheld under the discretionary power conferred by rules X and XI with the reasons for withholding them, will be forwarded quarterly to the Government of India in the case of memorials withheld by local Governments, and by Government of India in the department concerned to the Secretary of State for India in Council.

*Notification by the Government of India, Home Department,  
No. F-472—11-2-23, dated the 21st June 1924.*

The following instructions regarding the submission of petitions to the Government of India are published for general information in supersession of the rules published with the Home Department notification No. 534, dated the 30th June 1916:—

#### INSTRUCTIONS REGARDING THE SUBMISSION OF PETITIONS TO THE GOVERNOR-GENERAL IN COUNCIL.

##### *General explanations.*

1. In these instructions the words "local Government" include a local Administration and the Commander-in-Chief in India, and also,

## APPOINTMENTS.

### Appeals, Petitions and Memorials.

as regards petitioners whose salary is Rs. 50 a month or less, the head of a department directly under the Government of India, and Army, Divisional and Independent Brigade Commanders.

2. These instructions do not apply to non-pensionable subordinate, clerical and menial establishments employed in the construction and working of State Railways, to whom circular No. VI-Railway, Public Works Department, dated the 1st June 1888, applies.

3. These instructions apply, so far as may be, to all memorials, letters and applications, etc., addressed to the Governor-General in Council.

4. These instructions apply also to petitions by persons no longer in military employ who have served in the Army or the Royal Indian Marine, or have been attached to regiments or batteries or the Staff or departments of the Army in any capacity.

5. These instructions do not apply to the cases covered by the rules regulating appeals issued by the Secretary of State under section 96B (2) of the Government of India Act.

#### SECTION I.

*As to the submission of petitions to the Governor-General in Council  
by private persons or public bodies.*

1. Every petition to the Governor-General in Council should be forwarded through the local Government having jurisdiction in respect of the subject-matter of the petition. In cases where no local Government is in a position to deal with the subject-matter of the petition, it should be forwarded through the local Government within whose jurisdiction the petitioner is or has last been residing or employed.

The Railway Department is regarded as the local Government in respect of memorials from persons subordinate to it.

2. A petition may be either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the petitioner, or when the petitioners are numerous, by the signature of one or more of them, and it must conclude with a specific prayer.

3. Every petition should be accompanied by a letter addressed to the local Government requesting its transmission to the Governor-General in Council, and, when any order of a local Government is appealed against, by a copy of such order, as well as of any orders passed in the case by subordinate authorities.

4. Communications on matters connected with any bills before the Indian Legislature may be addressed either in the form of a petition to the Governor-General in Council or in a letter to the Secretary in the Legislative Department, and must in either case be sent to the Secretary in the Legislative Department. Ordinarily such communications will not be answered. Except in the case of the High Court

## APPOINTMENTS.

### Appeals, Petitions and Memorials.

at Fort William, such communications from courts, officials or public bodies should be sent through the local Government.

#### SECTION II.

*As to the submission of petitions by officers in civil employ.\**

5. Every officer in civil employ wishing to petition the Governor-General in Council should do so separately:

Provided that nothing in this instruction shall apply to representation submitted by recognized associations of Government Service in accordance with such rules as may from time to time be prescribed by the Governor-General in Council.

6. Every petition from an officer in civil employ should be submitted through the head of the office or department to which the petitioner belongs or belonged, and should be forwarded by him through the usual official channel.

7. No officer in civil employ may submit a petition in respect of any matter connected with his official position unless he has some personal interest in the matter.

8. No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer in civil employ unless it is submitted by the officer himself.

#### SECTION III.

*As to the transmission or withholding of petitions by local Governments.*

9. Every petition to the Governor-General in Council should be forwarded by the local Government concerned with a concise statement of the material facts and (unless there are special reasons for not doing so) an expression of opinion.

10. When the petition is not in English, the local Government should transmit a translation with it.

11. Local Governments are vested with discretionary power to withhold petitions addressed to the Governor-General in Council in the following cases:—

- (1) When a petition is illegible or unintelligible, or contains language which, in the opinion of the local Government, is disloyal, disrespectful or improper.

\*NOTE (1).—The term "civil employ" includes employment by a local authority.

NOTE (2).—For the purposes of the instructions in this section a petitioner is considered to be an "officer in civil employ," if he has been previously in civil employ and if his petition relates to any matter connected with his position while in such employ or the circumstances in which he left it.

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- (2) When a previous petition has been disposed of by the Secretary of State for India in Council or the Governor-General in Council and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (3) When a petition is a mere application for relief, pecuniary or other, which is presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character or is so belated that its consideration is clearly impossible.
- (4) When a petition is an application for employment from a person not in the service of Government; or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of Government or by persons engaging in any profession or employment.
- (5) When a petition is an appeal from a judicial decision with which the executive has no legal power of interference.

NOTE.—In the following cases, namely:—

- (a) when a petition is an appeal from a judicial decision in a case in which the Government has reserved any discretion of interference; or
- (b) when a petition is an appeal from a judicial decision in a suit to which the Government was a party; or
- (c) when a petition is practically a prayer for mercy or pardon, or contains such a prayer,

the petition must be transmitted to the Governor-General in Council unless it falls under clause (12) of this rule, or unless it is a petition of the kind referred to in clause (c) and the case is one of which the local Government is competent to dispose on its own responsibility under the orders contained in the Home Department letter No. 1126-37, dated the 10th September 1915.

- (6) When a petition is a representation against the application of the Civil Service Regulations or the Fundamental Rules or rules framed by the Secretary of State in Council under section 96B (2) of the Government of India Act, or against the order of a local Government refusing to grant or to recommend a special pension or any pecuniary or other concession not claimable under any law or rule, or a compassionate pension:

Provided that a representation of the nature, described in the first part of this clause which calls into question the correctness of the interpretation placed by any authority other than the Secretary of State in Council on any rule framed or approved by the Secretary of State in Council shall be forwarded to the Governor-General in Council, and shall not be liable to be withheld under this clause by the Governor in Council if in his opinion there is a reasonable doubt as to the correctness of the interpretation in question.

- (7) When a petition is an appeal against a decision which by any law or rule having the force of law is declared to be final.

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### Appointments—Covenanted and Imperial.

- (8) When a petition is addressed by an officer still in the public service and has reference to his prospective claim for pension, except as provided in article 915 of the Civil Service Regulations
  - (9) When a petition is a representation against the non-exercise by a local Government of a discretion vested in it by law or rule.
  - (10) When a petition is an application in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for making the application has been exceeded.
  - (11) When a petition is a representation against an order or decision of the local Government, and is made more than six months after the communication of such order or decision to the petitioner without satisfactory explanation of the delay.
  - (12) When a petition relates to a subject on which the local Government is competent to pass orders and no previous application for redress has been made to the local Government.
  - (13) When a petition makes a proposal regarding legislation which the local Government is not prepared to support.
  - (14) When the petition refers to matters in which the petitioner has not a direct personal interest, unless it is a petition of the kind described in the note to clause (5).
  - (15) When the petition is a representation against an order against which, under the appeal rules published by the Secretary of State in Council under section 96B (2) of the Government of India Act, no appeal lies.
12. If a petition is withheld, the petitioner should be informed of the fact, and the reason for it.
13. A list of petitions withheld under rule 11, with the reasons for withholding them, shall be forwarded quarterly to the Government of India in the proper department.

### Appointments—Covenanted and Imperial.

#### Rules for the admission of members of the Indian Civil Service, to the Political Department of the Government of India.

13.

*India, F. and P., No. 1346 Est.-A. of 19-6-1924. Ben.,  
Appt., Cir. No. 5113A. of 21-8-1914.*

The number of applications from junior members of the Indian Civil Service for admission to the Political Department of the Government of India has recently given insufficient scope

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### Appointments—Covenanted and Imperial.

for selection of suitable candidates. In order to remedy this defect, which is possibly due to ignorance of the conditions of the department, and the method of securing admission to it, I am directed to request that, with the permission of the Governor in Council, the attention of junior members of the Indian Civil Service serving in Bengal may be invited to the notifications noted below, which explain the rules for admission to the department and the rates of pay and allowances sanctioned :—

*Notification No. 3104 Est.-A. dated the 6th October 1910, by the Government of India, Foreign Department.*

In supersession of all previous orders on the subject, the Governor-General in Council is pleased to publish the following rules regulating the admission of junior members of the Indian Civil Service to the Political Department of the Government of India :—

1. All\* applications for employment in the Political Department should be submitted officially through the proper channels, with information in the form attached. Such applications will be considered in the Foreign Department, and each candidate will be duly informed, through the local Government under which he is serving, of the result of his application.

2. The choice of probationers will ordinarily be made from officers of not more than three or four years' service, but the Viceroy reserves full discretion to select any officer of any standing.

3. A married officer will not ordinarily be eligible for admission to the Political Department, and the name of an accepted candidate will ordinarily be removed from the list in the event of his marriage.

4. Officers selected for employment in the Political Department will be required to undergo a medical examination.

5. An officer selected for the Political Department will be on probation for a period of three years. During this period reports on his work and general suitability for the department will be submitted once every six months, through the proper channels by the Political Officer under whom he is serving. Should any officer marry during this period, he will ordinarily revert to his province.

6. An officer will, on election, be posted for six months to a Native State or a frontier district for training in political or frontier work. At the end of this period his general knowledge of Indian History and political subjects or frontier conditions will be tested by examination,

\*If the Local Government under whom an applicant is serving feel, in any individual case, that, for any reason, they would be unable to spare the services of the candidate if he were selected their views should be made known at the time of forwarding the application. No application in such a case should be withheld if the officer making it is considered to be a suitable candidate. (*India, F. and P., No. 1153-999E., of 18-5-1923.*)



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which will be both oral and in writing and include questions on the following works:—

*For officers under training in a Native State.*

- (a) Lyall's "Rise and Expansion of the British Dominion in India".
- (b) The Introduction to Aitchison's Treaties for Central India or Rajputana, as the case may be; and
- (c) The Political Department Manual.

*For officers under training on the Frontier.*

- (a) Lyall's "Rise and Expansion of the British Dominion in India".
- (b) The Introduction to Aitchison's Treaties in regard to Afghanistan.
- (c) Articles in the Imperial Gazetteer on the North-West Frontier Province and Baluchistan.

Candidates will also be expected to have some knowledge of standard works bearing on the country in which they are serving, *i.e.*, in the case of—

*Native States.*—Tod's "Rajasthan," Malcolm's "Central India," Sleeman's "Rambles and Recollections," and Lyall's "Asiatic Studies"; and in the case of—

*The Frontier.*—Edwards' "Year on the Punjab Frontier," Thornton's "Life of Sir Robert Sandeman," and Chirol's "The Middle Eastern Question".

7. An officer will not be confirmed in the Political Department unless he can speak Urdu fluently and in a manner befitting the occasion.

*Information to be supplied by a Member of the Indian Civil Service who is a candidate for Political employ.*

- |   |    |
|---|----|
| 1. Name and profession of father.   | 1. |
| 2. Where educated   | 2. |
| 3. University honours and distinctions.   | 3. |
| 4. Language qualifications, stating degree of proficiency and examinations (if any) passed in each. | 4. |

## APPOINTMENTS.

## Appointments—Covenanted and Imperial.

Brief statement of how  
and where service has  
been passed.

6. Whether married or single.

Names of any near relatives  
who have served or are  
serving in India.

Names of persons, other than immediate superiors, who can testify to character and qualification	8.
--	----

*Dated the* \_\_\_\_\_ *of* \_\_\_\_\_ 19\_\_\_\_

*Information to be supplied by his immediate superiors respecting*  
*, an applicant for Political employ.*

(This form should be forwarded through the local Government, for transmission with remarks to the Secretary to the Government of India, in the Foreign Department.)

1. How long have you been acquainted with?

\*2. Is he popular—

(a) with his brother | (a)  
British officers and  
in society gener-  
ally?

(b) with those natives of India with whom his duties or relations bring him into contact.

\*3. Do you consider that he shows tact in dealing with natives of India? 3.

4. Give a medical officer's opinion respecting his physique and general health.

5. Is he of active habits and proficient in field sports?

6. Is he a good, bad or indifferent horseman? | 6.

\*It will be convenient if reasons are given for the replies to these questions, which should usually be answered in some detail.

## APPOINTMENTS.

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- \*7. Do you consider him to be in general ability above, up to, or under the average of his rank and service?
8. Has \_\_\_\_\_ in any way specially distinguished himself? 8.
- \*9. Add any general remarks you may have to offer in respect to his ability, character, etc.

\*It will be convenient if reasons are given for the replies to these questions, which should usually be answered in some detail.

*Secretary to the Government of India.*

*Resolution No. 2485 Est.-A., dated the 1st September 1911, by the Government of India, Foreign Department.*

In the resolution of the Government of India in the Foreign Department, No. 1573 G., dated the 13th July 1906, the Governor-General in Council announced that His Majesty's Secretary of State for India had sanctioned the introduction of a scheme for the reorganisation of the Political Department of the Government of India. The main feature of the scheme was the establishment of a dual cadre giving different rates of promotion to members of the Indian Civil Service (including members of the Punjab Commission) on the one hand and to Military and other members of the department on the other. This scheme, which was of a tentative character only and now has been in operation for more than five years, has, in the opinion of the Governor-General in Council, proved inconvenient and unsatisfactory, and has failed to meet the legitimate expectations of the members of the department. The position has further been complicated by considerable reductions in the strength of the department which have been rendered necessary by the abolition of certain appointments in Rajputana and Persia. In the circumstances and in view of representations which have reached him from various quarters, the Governor-General in Council has had under consideration the possibility of devising some alternative scheme which would at the same time remove the objections to the existing system and simplify the reconstruction of the department on its reduced basis. The objects to be sought were, firstly, the abolition of the dual cadre with its attendant anomalies and inconveniences, secondly, the amelioration of the position of officers now on the general cadre and, thirdly, the introduction of a scale of pay which would assure a steady flow of promotion to officers at present in the department and to those who may hereafter be admitted to it.

## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

2. The Governor-General in Council now desires to announce that His Majesty's Secretary of State for India has sanctioned the introduction, with effect from the 21st May 1911, of a revised scheme,\* the principle of which is to substitute for the graded system hitherto in force a time-scale of pay, at uniform rates, for all members of the department below the grade of Resident, with additional personal allowances for members of the Indian Civil Service and of the Punjab Commission, calculated at a rate which will give them approximately the emoluments which they might expect to draw in the provinces. Acting or charge allowances under Chapters V to VII of the Civil Service Regulations will not be given within the time-scale, except as provided in clause (3) of paragraph 4. But an officer on time-scale pay officiating as, or placed in charge of the duties of, a Resident will get the acting or charge allowance admissible under the Civil Service Regulations; and all officers will continue to receive the charge allowances admissible under Chapter VIII of the Regulations.

3. Above the time-scale will remain 15 selection posts, *viz.*, 6 Residents, first class; and 9 Residents, second class; the latter appointments carrying a uniform rate of pay of Rs. 2,750 a month. Promotion to these appointments will continue to be by selection, not only from the department, but, if necessary, from outside it.

4. In order to guard against any possible ill-effects of the introduction of a time-scale of pay, the following rules will be observed:—

- (1) No officer shall draw more than Rs. 850 a month, unless he is reported to be fully qualified for the charge of a "superior" post. An officer whose pay is restricted under the operation of this rule will ordinarily lose in seniority.
- (2) No officer shall draw more than Rs. 1,250 a month unless he actually holds a "superior" post or is employed on special duty, which is declared at the time to be of the nature of a "superior" post.
- (3) An officer who has not completed nine years' civil service shall draw, when posted to an appointment classed as "superior," a charge allowance of Rs. 200 a month, subject to the condition that his salary (excluding the personal allowance for members of the Indian Civil Service and of the Punjab Commission) shall not exceed Rs. 1,000 a month.

5. The department will henceforth be constituted as follows:—

Selection posts	...	...	...	15
Appointments on a time-scale of pay	...	...	...	122
				137
Total strength	...	...	...	137

\*The scales of pay of officers in the Political Department have been revised as a result of the orders passed in connection with the Lee Commission's Report.

## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

Under normal circumstances, the department will consist of 40 members of the Indian Civil Service or of the Punjab Commission and 97 military or other officers. The appointments included in the cadre of the department, as well as those classified as "superior," are shown in the list attached to this resolution.

6. The existing local and language allowances will be retained, subject to the following modifications:—

- (1) A local allowance of Rs. 150 a month will be attached to the appointment of Resident, Western Rajputana States, in consideration of the addition to his duties of the political charge of the Bikanir State.
- (2) A similar local allowance of Rs. 150 a month will be attached to the appointment of Resident at Jaipur, in consideration of the addition to his duties of the political charge of the Tonk State. This allowance will, however, be held in abeyance during such periods as an Assistant may be posted to the Jaipur Residency.
- (3) A local allowance of Rs. 150 a month will be attached to the appointments of Divisional Judge, Peshawar, and Divisional Judge, Derajat.
- (4) The local allowance of Rs. 250 a month attached to the appointment of Revenue Commissioner, North-West Frontier Province, will be abolished, as the pay of that appointment is now increased to Rs. 2,750 a month.
- (5) The local allowance attached to the appointment of District Judge, Peshawar, will be reduced from Rs. 200 to Rs. 100 a month. The allowance will be subject, as at present, to the condition that the sum of salary and local allowance shall not exceed Rs. 1,300 a month.

7. In view of the substantial increase of emoluments which the majority of the members of the department will enjoy as a result of the introduction of the new scheme, exchange compensation allowance will be discontinued to all officers except to those substantive or officiating in the grades of Resident.

8. There are certain subsidiary points in connection with the scheme which require special mention. The first of these is the question of the date from which officers of the present general cadre should count service for seniority and for increment under the time-scale. As a general principle, all continuous service under the Foreign Department will be allowed to count, subject to the proviso that the present order of seniority among officers of the general cadre will remain unaltered, and that no officer will be permitted to draw as substantive pay, exclusive of personal allowance, more than any officer who stands above him on the graded list.

In several instances, however, officers have been brought into the department at an age and at a period of service beyond the ordinary limit in consideration of special qualifications or for special reasons. It has been decided to treat such officers as exceptions to the principle

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referred to above, and to allow them, for the purposes of reckoning their pay and seniority, to count their service from the date of commencement of civil service of the next officer below them on the list, who was admitted to the department under normal conditions.

9. A further point is the question of the relative seniority to be accorded to civilians and military officers in the new scheme. The principle adopted in preparing the amalgamated list has been to grade all officers already in the department, subject to the provisions of the preceding paragraph, simply in accordance with their length of civil service, with the proviso that, when a member of the Indian Civil Service or of the Punjab Commission and a Military or other Political officer commenced their service, civil or political, in the same year, the former will be treated as the senior. This corresponds to the rule in the Punjab, Burma and the old Assam Commissions. This principle will, however, only apply to the cases of officers already in the department; future entrants, both civilians and military officers, being graded strictly in accordance with the date from which each officer is entitled to count his service for increment under the time-scale.

10. Although, in the opinion of the Governor-General in Council, the scheme outlined in the foregoing paragraphs is calculated to remove existing grievances and to satisfy the reasonable aspirations of officers in the department, in a few individual cases there will be an immediate loss of salary. To compensate for such loss it has been decided to grant a personal allowance to each officer whose average salary for a fixed period previous to the introduction of the scheme has exceeded that which the time-scale *plus* the charge allowance in the case of junior officers holding superior appointments gives him. Separate orders will be issued later as to the principles on which such allowances will be calculated.

11. No refund of pay or allowances drawn by officers in the interval between the 21st May 1911 and the date of these orders will be required on the ground of the retrospective sanction accorded to the new scheme.

### NUMBER OF CADRE POSTS IN THE POLITICAL DEPARTMENT.

SUPERIOR POSTS MARKED " S ".

#### *Baluchistan.*

1 Agent to the Governor-General and Chief Commissioner ..	S.	Political Agent, Kalat ..	S.
1 First Assistant ..	S.	Assistant Political Agent, Kalat ..	..
1 Second Assistant ..	..	Assistant Political Agent, Mekran ..	..
1 Revenue and Judicial Commissioner ..	S.	Political Agent, Zhob ..	S.
1 Political Agent, Quetta ..	S.	Assistant Political Agent, Zhob ..	..
1 Assistant Political Agent, Quetta ..	..	Political Agent, Loralai ..	S.
1 Political Agent, Sibi ..	S.	Assistant Political Agent, Loralai ..	..
1 Assistant Political Agent, Sibi ..	S.	Political Agent, Chagah ..	S.

# **APPOINTMENTS.**

## **Appointments—Covenanted and Imperial.**

### *Baroda.*

1 Resident	..	S.	1
		1	1

### *Nepal.*

1 Resident	..	S.	1
		1	1

### *Central India.*

Agent to the Governor-General	..	S.	1
First Assistant	..	S.	1
Second Assistant	..	S.	1
Resident, Gwalior	..	S.	1
Assistant to the Resident, Gwalior	..	S.	1
Resident, Indore	..	S.	1
Political Agent, Baghelkhand	..	S.	1
Political Agent, Bhopal	..	S.	1
Political Agent, Bhopawar	..	S.	1
Political Agent, Bundelkhand	..	S.	1
Political Agent, Malwa	..	S.	1
11		9	

### *Turkish Arabia.*

1 Resident and Consul-General	..	S.	1
		1	1

### *Persian Gulf.*

1 Resident	..	S.	1
First Assistant	..	S.	1
Consul, Kerman	..	S.	1
Political Agent, Muskat	..	S.	1
Political Agent, Koweit	..	S.	1
Political Agent, Behrein	..	S.	1
Consul, Bunder Abbas	..	S.	1
Consul, Mohammerah	..	S.	1
Consul, Ahwaz	..	S.	1

### *Hyderabad.*

1 Resident	..	S.	1
1 First Assistant	..	S.	1
1 Second Assistant	..	S.	1
3			

### *Miscellaneous.*

1 Trade Agent, Gyantse	..	S.	1
1 Political Officer with Sardar Muhammad Ayub Khan and in charge of the ex-Amir Muhammad Yakub Khan	..	S.	1
1 Assistant Secretary, Foreign Department	..	S.	1

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### *Kashmir and Gilgit.*

1 Resident	..	S.	1
1 First Assistant	..	S.	1
1 Leh	..	S.	1
1 Special	..	S.	1
1 Political Agent, Gilgit	..	S.	1
1 Assistant Political Agent, Chilas	..	S.	1

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### *Khorasan and Seistan.*

1 Consul-General, Khorasan	..	S.	1
1 Consul, Seistan	..	S.	1
		2	2

### *Mysore.*

1 Resident	..	S.	1
1 First Assistant	..	S.	1

### *North-West Frontier Province.*

1 Agent to the Governor-General and Chief Commissioner	..	S.	1
1 Judicial Commissioner	..	S.	1
1 Revenue Commissioner	..	S.	1
1 Resident, Waziristan	..	S.	1
1 Secretary to Chief Commissioner	..	S.	1
1 Assistant Secretary to Chief Commissioner	..	S.	1
1 Personal Assistant to Chief Commissioner	..	S.	1
1 Sessions Judge, Peshawar	..	S.	1
1 Sessions Judge, Derajat	..	S.	1
1 Political Agent, Malakand	..	S.	1
1 Assistant Political Agent, Chitral	..	S.	1
1 Assistant Political Agent, Dir and Swat	..	S.	1
1 Political Agent, Khyber	..	S.	1
1 Political Agent, Kurram	..	S.	1

## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

#### North-West Frontier Province—concl'd.

1	Political Agent, Tochi ..	S.
1	Deputy Commissioner, Peshawar ..	S.
1	District Judge, Peshawar ..	..
1	Assistant Commissioner, Mardan ..	S.
1	Assistant Commissioner, Nowshera ..	..
1	Assistant Commissioner, Charsadda ..	..
1	Assistant Commissioner, Peshawar ..	..
1	City Magistrate, Peshawar, ..	..
1	Deputy Commissioner, Hazara ..	S.
1	District Judge, Hazara ..	..
1	Assistant Commissioner, Hazara ..	..
1	Deputy Commissioner, Kohat ..	S.
1	Assistant Commissioner, Kohat ..	..
1	Assistant Commissioner, Thal ..	..
1	Deputy Commissioner, Bannu ..	S.
1	District Judge, Bannu ..	..
1	Assistant Commissioner, Bannu ..	..
1	Deputy Commissioner, Dera Is-	..
	mail Khan ..	S.
2	Assistant Commissioners, Dera	..
	Ismail Khan ..	..

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2 Deduct—One appointment of District Judge and one appointment of Assistant Political Agent, which must always be held by Provincial Service officers.

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#### Rajputana and Ajmer-Merwara.

1	Agent to the Governor-General and Chief Commissioner ..	S.
1*	First Assistant ..	S.
1	Second Assistant and Magistrate of Abu ..	..
1	Third Assistant ..	..
1	Resident, Western Rajputana States and Bikanir ..	S.

#### Rajputana and Ajmer-Merwara—concl'd.

1	Resident in Jaipur ..	S.
1	Resident in Mewar ..	S.
1	Assistant to Resident in Mewar ..	..
1	Political Agent, Eastern Raj-	..
	putana States ..	S.
1	Assistant to Agent, Eastern Raj-	..
	putana States ..	..
1	Political Agent, Kota-Bundi	..
	Agency ..	S.
1	Commissioner, Ajmir-Merwara ..	S.
1	Assistant Commissioner, Ajmer	..

13

—

#### Total.

	Superior and Inferior.	Superior.
Baluchistan ..	16	9
Baroda ..	1	1
Central India ..	11	9
Hyderabad ..	3	2
Kashmir and Gilgit ..	6	2
Khorasan and Seistan ..	2	2
Mysore ..	2	2
Nepal ..	1	1
Turkish Arabia ..	1	1
Persian Gulf ..	9	7
Miscellaneous ..	3	1
North-West Frontier Province ..	32	18
Rajputana and Ajmer-Merwara ..	13	8

100 63

—

Total Superior posts .. 63

Deduct—Selection posts .. 15

Superior posts on time-scale 48

\* This appointment will be treated as "Superior" until further orders.

### Admission of Indians to the Political Department of the Government of India.

14.

*India, F. and P., No. 2708 Est.-A., of 30-10-1921. Ben., Appt., Nos. 9480-9484 A., of 19-11-1921, to Commrs.*

I am directed to inform you that the Government of India have decided, with the approval of His Majesty's Secretary of State, for India, to admit a substantial proportion of Indians to the Political Department of the Government of India.



## **APPOINTMENTS.**

### **Appointments—Covenanted and Imperial.**

2. Recruitment will ordinarily be from Indian members of the Indian Civil Service and Indian officers of the Indian Army holding King's Commissions, and, in cases of exceptional merit, from officers of the Provincial Civil Service. Recruits from the Indian Civil Service and the Indian Army will be admitted under the existing conditions applicable to officers of their respective services. Provincial Service officers will be brought on to the time-scale pay of the Political Department at a point calculated to ensure them Rs. 300 a month more than the pay last enjoyed in the regular line of the Provincial Civil Service.

3. Applications for appointment to the Political Department of the Government of India from Indians who are members of the Indian Civil Service or officers of the Indian Army should be submitted on the usual form. The Government of India, however, recognise that, in view of the Indian custom of early marriage, it will not be possible to insist on the usual rules regarding matrimony, though it should be clearly pointed out in each case to the candidate that the fact of his being married will not be accepted by the Government of India as a reason for special treatment in the matter of postings.

4. The Government of India desire to emphasise the fact that appointments will ordinarily be made from the Indian Civil Service and Indian Army and that officers of the Provincial Civil Service should only be recommended for appointment in cases of exceptional merit. In such cases the application should be made in the form laid down for members of the Indian Civil Service, but the Government of India would be glad to receive, in addition, full information of the services rendered by a candidate of the Provincial Civil Service, which are held to be exceptionally meritorious.

5. The Government of India are anxious to maintain a high standard in recruitment for the Political Department and trust that no application for appointment will be forwarded, unless the applicant can be confidently recommended as likely to make a good political officer.

6. Applicants, whose applications are forwarded to the Government of India, should be informed that it is usual for a candidate for employment in the Political Department to present himself for an interview with the Political Secretary before his appointment is considered.

## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

#### Rules for the admission of members of the Provincial Civil Service to the Political Department of the Government of India.

**15.**

*India, F. and P., Endt., of 24-10-1923. Ben., Appt.,  
No. 12380-12384A., of 15-11-1923, to Commrs.*

Copy of the following forwarded to the Chief Secretary to the Government of Bengal for information, with reference to the letter from the Government of India in the Foreign and Political Department, No. 2708-Est.A., dated the 3rd October 1921, and No. 2442—733 Est., dated the 19th August 1922.

*Notification No. 97 E., dated the 24th October 1923, by the Government of India, Foreign and Political Department.*

The following resolution, dated the 19th June 1923, made by the Secretary of State for India in Council under section 96B (2) of the Government of India Act, is published for general information:—

#### RESOLUTION.

In exercise of the powers conferred by section 96B (2) of the Government of India Act, the Secretary of State in Council, with the concurrence of the majority of votes at a meeting of the Council, held this 19th day of June 1923, hereby makes the following rules regarding the pay and pensions of Provincial Civil Service officers selected for permanent employment in the Political Department of the Government of India:—

*Emoluments of members of the Provincial Civil Service who are appointed to the Political Department of the Government of India.*

1. The initial pay of a Provincial Service officer, who is appointed substantively to a post classed as “superior” in the Political Department of the Government of India, shall be fixed on the time-scale of the Political Department at a point which will represent Rs. 300 a month more than the pay last enjoyed by him in the regular line of the Provincial Civil Service, subject to a minimum of Rs. 1,000 a month, and shall be increased by the annual increments provided for in the time-scale as they fall due: Provided that a Provincial Service officer shall not draw pay higher than that to which an officer of the Indian Civil Service of the same number of years’ service would be entitled, when holding a superior post, exclusive of the personal allowance sanctioned for officers of the Indian Civil Service.

2. The pay of a Provincial Service officer who is appointed to a post in the Political Department of the Government of India, which is

## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

not classed as “superior,” shall be regulated by Fundamental Rule 22.

3. These rules shall have effect from 19th June 1923.

*Grant of special additional pensions to officers of the Provincial Civil Services promoted to the Political Department of the Government of India.*

1. Officers of the Provincial Civil Services, who have been promoted to the Political Department of the Government of India, shall be entitled on retirement, in addition to the maximum pension of Rs. 6,000 a year for which they are eligible as members of the Provincial Civil Service,—

- (a) to a special additional pension of Rs. 300 a year if they have held any post classed as superior in the Political Department, and
- (b) to a special additional pension of Rs. 500 a year if they have held a post of Resident of the 1st or 2nd class.

2. These rules shall have effect from 2nd September 1921.

### Transfer of recruitment in England from the Secretary of State to the High Commissioner.

16.

*India, Home, No. 33-1866, of 9-11-1875.*

An instance having recently been brought to the notice of the Government of India, in which a European officer was engaged in England for employment in India without the intervention of the Secretary of State, I am desired to call attention to the subjoined order on the subject :—

*Despatch No. 32 (Financial), dated the 21st August 1850, from the Hon'ble the Court of Directors, to the Governor-General of India in Council. (Extract, para. 4.)*

“Para. 4. We must take this occasion to deprecate the practice of engaging individuals for service in India through the agency of parties in this country unconnected with, and irresponsible to, the Government of India. The correspondence shows that Mr. \_\_\_\_\_ was actuated solely by the desire to obtain the services of well-qualified men, and experience proves the selection made with much difficulty under his instructions to have been judicious. But the result in this particular instance cannot, in our opinion, justify the continuance of an irregular and objectionable practice, and we therefore desire that, in future, when the services of men are required from hence, you will communicate with us upon the subject.”

## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

**17.**

*India, Home, No. 1 End. 25, of 11-1-1892. Ben.,  
Appt., No. 312-18A, of 26-1-1892, to Depts.*

I am directed to invite a reference to Home Department circular No. 33—1864-74, dated 9th November 1875, in which attention was called to the standing orders prescribing that in all cases in which it is desired to engage individuals in the United Kingdom for service in India, the nomination must rest with the Secretary of State. So far as the Government of India are aware, the prescribed procedure has been generally observed, but in a recent case the head of a provincial department entered into direct correspondence with a candidate in England, who had been recommended by the local authorities for an appointment in the department, and this led to his leaving England to take up the appointment before he had been formally selected by the Secretary of State. The Secretary of State, in bringing the irregularity to the notice of the Government of India, remarked that in any case where there are special reasons why a particular person, who is in England, should be selected by him for appointment, the proper course is for the Governor-General in Council or the Governor in Council interested in the matter, to inform His Lordship unofficially of the circumstances, and that the authorities in India ought not to communicate direct with the person recommended. In the event of His Honour desiring that the claims of a particular candidate should be considered by the Secretary of State, the matter should be represented demi-officially to the Government of India, in order that they may communicate in the same way with the Secretary of State. I am to request that, with His Honour's permission, orders may be issued to ensure the strict observance of these instructions in the future.

**18.**

*India, Home, No. F. 1169-22 Public, of 20/22-3-1924.*

I am directed to forward, for the information of the Government of Bengal, a copy of a despatch and of its enclosure and annexure from the Secretary of State, No. 8 Public, dated the 14th February 1924. I am to say that the High Commissioner has informed the Government of India that the necessary arrangements have been made in accordance with the instructions contained in the India Office letter enclosed with the Secretary of State's despatch referred to above.

## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

*Despatch No. 8 Public, dated the 14th February 1924, from His Majesty's Secretary of State for India, to His Excellency the Right Honourable the Governor-General of India in Council.*

With reference to correspondence ending with Your Excellency's Government's telegram, dated the 20th January, I forward for your information a copy of a letter which I have caused to be addressed to the High Commissioner assigning to him the business in this country connected with the recruitment on behalf of Your Excellency's Government and the local Governments of Governor's provinces of persons to fill certain specified appointments or classes of appointments.

2. You will observe, with reference to paragraph 2 of your telegram, dated the 20th January, that I have treated for this purpose appointments for service under a Chief Commissioner as appointments made by Your Excellency's Government. This seems to me the correct procedure. Since the rules under section 96B(2) of the Government of India Act relating to the classification of services which are the main foundation for this change of system have no application to Chief Commissioners' provinces.

#### ENCLOSURE.

*Letter No. J. & P. 1927-23, dated the 13th February 1924, from the India Office to the High Commissioner for India.*

I am directed by the Secretary of State for India in Council to inform you that, acting under the powers conferred upon him by clause 5 (c) of the Order in Council, dated the 13th August 1920, he has assigned to you, with effect from the date of this letter, the conduct of all business connected with the selection and recruitment in this country of persons to fill any of the Indian appointments enumerated in the enclosed schedule. The contracts or agreements to be executed with such persons should be executed by you in virtue of the powers conferred upon you by clause 6 of the Order in Council. Such contracts will continue to be drawn in the name of the Secretary of State in Council, but should recite that the party to the contract is appointed by the Government of India or by a specified local Government, as the case may be, and the business should be transacted in accordance with such general or special instructions as you may receive from those authorities, on whose behalf you will be acting in this connection.

2. I am to request you, therefore, to be good enough to make arrangements accordingly. In particular, the Secretary of State in Council thinks it important that persons whom you recruit under these arrangements should be given clearly to understand, before they accept employment, that they will not come within the scope of the various provisions of the Government of India Act and of the rules framed thereunder for the benefit of "persons appointed by the Secretary of

## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

State in Council " or of members of those services, including the all-India services, which are directly controlled by the Secretary of State in Council; and that no appeal will lie to, or be entertained by, the Secretary of State in Council in respect of any order affecting them that may be passed by the Government of India or by the local Government under which they are serving.

3. As regards the staff to be transferred to you in connection with these arrangements, it is estimated that such routine work as hitherto had to be done in this office in connection with recruitment for the appointments now formally transferred, the work in question being here distributed between four departments, would be roughly equivalent to the time of one clerical officer. It is noted that you do not ask to have transferred to you the services of an officer with experience of the work, which is so distributed as to render such an arrangement impossible. Heads of departments will accordingly be invited to submit applications from clerical officers serving under them who desire transfer in the circumstances, and the names of recommended applicants will be communicated to you in order that a final settlement may be made. I am to enquire whether these arrangements will be satisfactory.

*List of services and posts recruitment for which has been transferred to the High Commissioner for India.*

- 1 Librarian, Imperial Library.
2. Keeper of the Records, Government of India.
3. Bacteriological officers (non-service).
4. Town planning experts.
5. Imperial Meteorologists.
6. Mines—Inspectors and Chief Inspector.
7. Explosives—Inspectors and Chief Inspector.
8. School of Mines and Geology—Principal.
9. Northern India Salt Revenue Department—Commissioner, Deputy Commissioners, Assistant Commissioners and Superintendents.
10. Printing and Stationery—Controller and other officers.
11. Patents and Designs—Controller.
12. Electrical Adviser to Government of India.
13. Metallurgical—Inspectors and Assistant Inspectors.
14. Local Manufactures—Superintendents and Deputy of, and Chemist in, Government Test House.
15. Indian Stores Department—Chief Controller and other offices.
16. Ordnance Mechanics—Chief Civil Master Armourers, Principal Foremen, Foremen, Assistant Foremen and others graded as such.
17. Appointments made in the United Kingdom to the staff of the Lawrence Military School, Sanawar.

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### Appointments—Covenanted and Imperial.

18. Royal Indian Marine Dockyard Staff other than Chief Constructor, Constructor, Assistant Constructor and Electrical Engineer.
19. State Railway—Coal and Mining Department and covenanted staff.
20. Engraver and Head Engraver, Survey Office.
21. Photo-Litho, staff, Survey Office—Two Managers, four Assistant Managers.
22. Mathematical Instrument Office staff, Survey Office—Officer in charge, Works Manager, two Assistant Managers.
23. Drawing Office staff, Survey Office—1st Division Assistant.
24. Chincona Plantations—Superintendent.
25. North-West Frontier Province—Agricultural Officer
26. European Carpenter, Forest Department.
27. European Gardeners under Government of India.
28. Curator, Industrial Section, Indian Museum, Calcutta.
29. Posts and Telegraph Department—Subordinate wireless personnel, Cable Foremen, Foremen and Assistant Superintendents of Telegraph Workshops, Instrument, Mechanics for workshops and telegraph and telephone offices.
30. Appointments in the Zoological Survey.
31. All appointments made by the local Governments of Governors' provinces to posts and services under their control other than the Bengal Pilot Service.
32. All appointments made by the Government of India for service under a Chief Commissioner.

## 19.

*India, Home, No. F. 452-24 Public, of 2-1-1925.*

I am directed to refer to the Home Department letter No. F. 1169-22, dated the 20th/22nd March 1924, and to forward, for the information of the local Government, two draft notices, for alternative use, according to circumstances, prepared by the High Commissioner in connection with the appointments made by him in England on behalf of the Government of India or of a local Government, as the case may be. I am to say that these notices are included in all memoranda of terms and conditions of appointment issued by the office of the High Commissioner for the information of candidates in connection with any recruitment which may be undertaken and are also attached to the agreement forwarded for perusal and subsequent signature by each candidate who has accepted an appointment offered.

## APPOINTMENTS.

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#### Notice.

It must be understood that, although the agreement as required by law is in form an agreement with the Secretary of State for India in Council, this appointment is made by the Government of India. The person selected to fill it will be subject in all respects throughout his service to the orders of that Government, against which no appeal will ordinarily lie to the Secretary of State for India in Council. His salary and pension (if any) will be subject to the vote of the Legislative Assembly.

H. C. 26 82/39-4-13 (O).

#### Notice.

It must be understood that, although the agreement as required by law is in form an agreement with the Secretary of State for India in Council, this appointment is made by the Government of India. The person selected to fill it will be subject in all respects throughout his service to the orders of that Government, against which no appeal will ordinarily lie to the Government of India or the Secretary of State for India in Council. His salary and pension (if any) will be subject to the vote of the Legislative Council.

H. C. 26682/39-4-13 (L).

### Increased employment of Indians in higher appointments.

**20.**

*India, Home, Res. No. 2559 Est., of 1-12-1920.*

The orders of His Majesty's Secretary of State for India on the recommendations of the Royal Commission on the Public Services in India relating to the pay and pension of the Indian Civil Service have already been announced by the Government of India in previous resolutions, namely:—

- (1) Resolution No. 1918, dated the 20th November 1919.
- (2) Resolution No. 286, dated the 13th February 1920 (as modified by Resolution No. 919, dated the 4th May 1920).
- (3) Resolution No. 1260, dated the 24th June 1920.

The decisions which have been taken on certain other proposals relating to the Indian Civil Service are set forth below.

**2. Organisation.**—It has been decided, as recommended by the Public Services Commission, to maintain the existing organisation of the Civil Services. The division into an



## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

Imperial Service and a Provincial Service is based on the work for the performance of which the two services are recruited, and not on any artificial distinction. The evidence recorded by the Commission disclosed no desire for any change. In future the Imperial branch will be known as the Indian Civil Service and the Provincial branch will bear the name of the province in which its members are serving, *e.g.*, Bengal Civil Service.

3. The recruitment of military officers to fill Civil Service posts in Burma will cease from the date of the present resolution.

4. A revised list of superior appointments is annexed to the resolution (*see* Appendix I). It has been approved by the Secretary of State, but it has been compiled primarily for recruitment purposes and does not purport to be final in any way.

5. *Methods of recruitment.*—Recruitment for the Indian Civil Service (including appointments to posts ordinarily held by members of the Indian Civil Service) will in future be effected by five methods:—

- (1) open competitive examination in London;
- (2) separate competitive examination in India;
- (3) nomination in India;
- (4) promotion from the Provincial Civil Service;
- (5) appointment from the Bar.

6. *Open competitive examination in London.*—This examination will be the main channel of entry to the service and will be open to all as heretofore, subject to the reservation that in future Indians successful in this examination will not be allotted to Burma, nor successful Burmans to India. The exact conditions of future examinations cannot at present be announced, as the details of the syllabus are still under consideration, but the Secretary of State has been in consultation with the Civil Service Commissioners and with the Universities in the United Kingdom with regard to the age of entry and the period of probation, and has arrived at the conclusion that it is in the best interests of India that the age limits for admission to the examination shall be 21 to 23 (reckoned from 1st August in the year in which the examination is held) and that the period of probation shall be two years. Before

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### Appointments—Covenanted and Imperial.

arriving at this decision the Secretary of State in Council carefully considered other possible alternatives, and in particular—

- (a) the proposal of the Royal Commission on the Public Services in India that the age-limits should be 17 to 19 on the 1st January, followed by three years' probation; and
- (b) a proposal that the age limits should be 17 to 20, followed by two years' probation.

The reasons for and against the various alternatives are succinctly stated in the extract from the report of the Civil Service Commissioners which is appended to this resolution (*see* Appendix II). In deciding on the adoption of age limits of 21 to 23, followed by two years' probation, the Secretary of State in Council has been influenced by the facts—

- (1) that it is the solution which was favoured by the Government of India in referring the question for the consideration of local Governments in January 1919, and by a majority of the local Government in reply to that reference;
- (2) that it is recommended by the Civil Service Commissioners, who are his statutory advisers in such matters; and
- (3) that the Universities in the United Kingdom are practically unanimous in favour of it.

Moreover, public opinion in India is decidedly against the adoption of the school-leaving age limits which would in practice exclude many Indians from the open competition in England and in favour of the higher limits, as was evident from the discussion in the Imperial Legislative Council on 24th September 1917, on a resolution deprecating acceptance of the Royal Commission's proposal.

The decisive consideration is the paramount necessity of securing for the Indian Civil Service officers of the highest possible quality. For this it is necessary to obtain men who have completed their University education, and have had in addition a thorough special training, such as a well-organised course of probation lasting for two years will afford. The details of the course of probation are now under consideration by the Civil Service Commissioners, but it has been decided that

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law and jurisprudence shall form an important part of the training. The study of Indian languages (vernacular and classical), of Indian history, and of economics, with special reference to Indian conditions, will also be included in the course. Details both of the probationary course, and of the syllabus of the open competition will be announced later, when they have been finally settled.

7. *Separate competitive examination in India.*—This has been accepted as the main source of Indian recruitment. The institution of such an examination is provided for by section 97 of the Government of India Act. The conditions under which the examination will be held have not yet been determined by the Secretary of State, who is in consultation on this subject with the Civil Service Commissioners. They will be announced later. But it has been decided that the age limits will ordinarily be 21 to 23 on 1st August of the year in which the competition is held, as in the case of the London examination; the candidates thus selected (as well as any who may be nominated in India under paragraph 8 of this resolution) will be sent to the United Kingdom to join the candidates selected at the open competition in London in their two years' course of probation. It has been decided that of the recruits selected in India for the service (exclusive of those promoted from the Provincial Service or directly appointed from the Bar) at least 67 per cent. will be obtained through this examination.

8. *Nomination.*—Nomination is provided for in section 97 (6) of the Government of India Act in order to secure to some extent representation of the various provinces and communities in India. It will not of necessity take place every year, but only when the results of the competitive examination in India fail to give the representation required. The following procedure will be adopted: When the number of vacancies to be filled in India in any year by direct recruitment (*i.e.*, exclusive of promotions from the Provincial Service and appointments from the Bar) has been settled, 67 per cent. of these will be announced as open for competition. If the distribution of successes in the examination turns out to be such as will meet the requirements of the various provinces and communities, resort to nomination will be unnecessary. The vacancies held in reserve will be filled as far as possible by selection from among candidates who sat for the competitive examination and attained a certain qualifying standard. Failing this,

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### Appointments—Covenanted and Imperial.

they will be filled by nomination. Rules relating to nomination are being framed under section 97 (6) of the Government of India Act and will be announced as early as possible.

9. *Promotion from the Provincial Service.*—The Commission recommended some reduction in the number of “ listed ” posts, but the Government of India have decided not to reduce the chances of promotion open to officers of the Provincial Service until they are in a position to appreciate more accurately than is possible at present the effect of the rules now framed regarding direct recruitment to the Indian Civil Services in India. It is probable indeed that in some provinces the number of such appointments will actually be increased.

10. Officers promoted from the Provincial Civil Service to hold posts ordinarily held by members of the Indian Civil Service will, in future, have the same opportunities of promotion as those who have been directly recruited. In regard to their status *vis-a-vis* the regular members of the Indian Civil Service, the Government of India have decided to institute or, where they exist, to retain Provincial Commissions on the lines recommended by the Public Services Commission in paragraph 3 of Annexure X of their report and to include in such Commissions not only all members of the Indian Civil Service however selected, but also promoted members of the Provincial Civil Service and members of the Bar appointed to hold superior appointments ordinarily held by members of the Indian Civil Service. The two latter classes of officers cannot be admitted to the Civil Service itself, but will, from the date of their appointment, take rank with Civil Service officers and will be eligible with them on their merits for all posts on the Civil Service cadre.

11. *Appointments from the Bar.*—Local Governments already have power under the rules laid down in the Home Department notification No. 598, dated the 21st June 1918, to appoint persons who are not members of the Provincial Service up to one-fourth of the total number of listed appointments. This power will be utilised by them as an experimental measure to appoint District Judges direct from the Bar. It is hoped ultimately to fill not less than 40 posts in this way, should qualified men be available. Members of the Bar will, however, be appointed to posts in excess of 25 per cent. of the total

## APPOINTMENTS.

### Appointments—Covenanted and Imperial.

number of such appointments, only as new posts are created, and with due regard to the claims of existing members of the Civil Services. Thus the rights of these officers will be duly safeguarded, as was expressly provided for by section 36 (2) of the Government of India Act, 1919; at the same time there will be no reduction in the number of posts open to men promoted from the Provincial Civil Service. Should the experiment prove successful (and on this point the opinion of High Courts will be ascertained from time to time) the full number, *i.e.*, 40, will eventually be made available for persons from the Bar. For the purposes of these appointments, Vakils and Advocates of High Courts and Pleaders of Chief Courts will be eligible as well as Barristers.

12. *Percentage of Indians in the Service.*—After full consideration and with the approval of the Secretary of State, the Government of India have decided to adopt the proportion suggested in paragraph 317 of the Joint Report on Indian Constitutional Reforms. This proportion of 33 per cent., rising by  $1\frac{1}{2}$  per cent. annually for 10 years to a maximum of 48 per cent. will be taken as an all-round figure to cover total Indian recruitment from all sources, including promotion from the Provincial Service and appointment from the Bar. The number of Indians to be recruited in India by examination and nomination will be fixed each year after taking into account the number of Indians recruited in other ways, including the open competition in London.

The direct recruitment of Indians for 1920 has already been partially given effect to by the nominations already made under the rules issued under the Indian Civil Service (Temporary Provisions) Act, and the candidates selected are already undergoing their probation in England. Although the candidates under these rules were selected at the end of 1919, the calculation of the number to be appointed was based on a consideration of vacancies that had accumulated from 1915 to 1920 inclusive. These candidates were selected by nomination. It was intended that any further appointments to be made in India should, so far as possible, be effected by means of a competitive examination, as explained in paragraph 7 above, but the Civil Service Commissioners, who are engaged in working out the scheme for this examination, have reported that it will not be possible to hold the examination in 1921 in time for candidates selected to commence their probation in England in October

## APPOINTMENTS.

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1921. It has been decided, therefore, that the number of Indians required to be recruited for 1921, according to the percentages approved above, should be obtained by nomination as in 1919. The rules required to effect this are under consideration and will be published as soon as possible. It is hoped that the scheme of examination in India will have been settled, and the rules under section 97 (6), referred to in paragraph 8 above, approved in time to enable the first competition in India to be held in the cold weather of 1921-22 and the candidates selected to commence their probation in England in October 1922.

13. *Training in India.*—Subject to the general considerations mentioned below, full discretion is left to local Governments and administrations in the matter of framing rules for departmental examinations and training. On arrival in India, officers should be trained under the supervision of a suitable District Officer, who should not only have the special qualities required for training junior officers, but also the time to devote to this object. Much valuable assistance can often be given him in this matter by a senior assistant. For the first year too much court work should not be prescribed and departmental examinations should be more practical. The test of proficiency in law should be more and more limited to an examination of a man's ability, with the Act and Rules at his disposal, readily to find the law governing a particular case and to apply it intelligently. The tests in the vernaculars should be stiffened and should be directed chiefly to ensuring that officers are able to converse in them with fluency and to read and write them with accuracy.

14. *Special training of officers for the judicial branch.*—Officers may be definitely selected for the judicial branch at any stage between five and eight years' service. As soon as they are so selected, they should undergo a period of training for 18 months in the posts of Munsif and Subordinate Judge, or Additional District Judge, and thereafter, if the High Court so recommends, they may be granted study leave to the United Kingdom for the purpose of reading in barristers' chambers and passing the Bar examinations under such rules as may from time to time be prescribed by Government. Ordinarily, this leave will not be granted to any officer after the twelfth year of service.

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### Appointments—Covenanted and Imperial.

ORDER.—Ordered that a copy of this Resolution be forwarded to all local Governments and administrations, and that it be published in the Supplement to the *Gazette of India* for general information.

#### Appendix I.

##### LIST OF SUPERIOR APPOINTMENTS IN THE INDIAN CIVIL SERVICE.

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*Bengal.*—Two Members of Council; five High Court Judges; one Member of Board of Revenue; Chief Secretary; thirty-six District and Sessions Judges (including Superintendent and Remembrancer of Legal Affairs, Bengal, Legal Remembrancer, Assam, three District and Sessions Judges for Assam and ten Additional Judges); five Commissioners; Commissioner of Excise; three Secretaries, forty-three Magistrates and Collectors (including Director of Land Records, Secretary to Board of Revenue, Registrar, and Joint Registrar of Co-operative Societies, seven Settlement Officers, five posts of Additional Magistrates and Collectors of Calcutta); Registrar, High Court; Chairman, Corporation and Chairman, Improvement Trust; Private Secretary to Governor. Total 101.

\* \* \* \* \*

*Posts under Government of India.*—Three Members of Council.

*Home Department.*—Secretary; Deputy Secretary; Chief Commissioner, Delhi; Deputy Commissioner, Delhi; Superintendent, Port Blair.

*Finance Department.*—Secretary; Financial Adviser, Military Finance; Deputy Secretary; three Accountants-General; Comptroller and Auditor-General; Controller of Currency.

*Department of Commerce and Industry.*—Secretary; five Postmasters-General; three Collectors of Customs; Director-General of Posts and Telegraphs; Deputy Secretary.

*Legislative Department.*—Secretary and Deputy Secretary.

*Department of Revenue and Agriculture.*—Secretary.

*Foreign and Political Department.*—Two Secretaries and twenty-three political appointments.

*Education Department.*—Secretary. Total 56.

#### Appendix II.

*Extract from Report of Civil Service Commissioners, dated 7th July 1920, on the question of the age-limits for admission to the Open Competition in England for the Indian Civil Service, and the period of probation.*

The position of the Civil Service Commissioners in this matter is that of statutory advisers to the Secretary of State in Council. They endeavour, in formulating their advice, to take into account the field

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of candidates that is likely to be obtained under specified conditions of competition, the educational fitness which candidates may be expected to reach on their appointment under the various systems suggested, and the conditions of probationary training which are likely to result from selection at various points of life. They give due, but not excessive, weight to the educational interests of this country, and they endeavour also to take into account the public interests of India, but under this last head Mr. Montagu will have many more competent advisers. I am to review the three alternative suggestions and to state the advantages and drawbacks attaching to each as seen by the Commissioners:—

(1) *Age-limits* 17—19 on the 1st January; probation three years. This is the proposition of the Royal Commission on the Indian Services. It has great and obvious merits. It secures that men shall go out to India at about the age of 21 or 22, when their constitution is consolidated and before they may have got too fixed in their opinions and their outlook. It secures a generous period of preparation, which could in the opinion of the Civil Service Commissioners, give all the advantages of a complete University course.

But these age-limits, as the Commissioners are informed, would not suit Indian candidates in India, and there is obvious objection to selection at different ages in the two countries. Moreover, the selection of boys at this age by open competition must be a precarious matter. India would undoubtedly get a larger proportion of bad bargains with earlier than with later selection. Moreover, once selected the candidates would be committed to a specific course of study which would fit him for India but not for any home profession. If, as would be desirable, a relentless weeding out of the less satisfactory candidates took place throughout the three years of probation, many of those who had been successful in the open competition would find themselves side-tracked and compelled to begin their studies over again or to go out into the world heavily handicapped. Without such a process of weeding out there will be no sufficient motive for the less energetic candidates to pursue their studies persistently and the morale of the body of the candidates would be impaired. Under this system it is not likely that the Indian Service would get so many trustworthy men as if the selection were made later. On the whole, therefore, the Commissioners with great reluctance are inclined to advise the rejection of this alternative. In coming to this conclusion they are not seriously influenced by any effects that might be anticipated on education in this country; but, far from sharing the views of the Incorporated Association of Headmasters, they consider that a competition of so great importance among all the youth of the country between the ages of 17½ and 19½ would be a calamity rather than a benefit to the schools and the school boys.

(2) *Age-limits* 17—20; probation two years. This proposition was universally condemned at the Conference. It seems to have all the objections which can be brought against the first suggestion. It also cuts right across the lines of British education. Covering, as it does, both the concluding years of school life and the first year or



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two of University life, candidates will be compelled either to conclude their school life prematurely or to resort to crammers, and under their tuition continue such instruction as is suitable to school years a year after it should have been terminated. It would not be possible to arrange a competitive examination which would be equally suited to boys of 17 and men of nearly 20. This consideration appears to be mainly educational; it is not so in fact, for the resulting conditions must prejudicially affect both the field of candidates and the quality of those selected. The Commissioners cannot recommend the adoption of this proposal.

(3) *Age-limits* 21–23; probation two years. This proposition has the support of the minority of the Viceroy's Council. Having regard to the importance which is obviously attached in India to securing candidates whilst still young, flexible and teachable, and having regard also to the fact that many of those holding high places in India must have been themselves selected at the earlier age, the Commissioners think that the view of the minority must have been formed under the influence of very important considerations. The Commissioners are aware that just before his retirement Lord Morley had come to the same decision as the minority. At the last moment he held his hand, and the result was the appointment of the Royal Commission on Indian Public Services.

The adoption of these limits of age with two years' probation will not result in the commencement of the duties of Indian Civilians at an earlier age than at present. On the other hand, by placing the age limits a year earlier, some disturbance will be caused to the ordinary studies, at any rate of Oxford candidates. This fact was put forward with emphasis, though with moderation, by the Oxford representative, who nevertheless clearly expressed on behalf of his University preference for this option out of the three. The other Universities, almost without exception, actually preferred the age limits 21–23 to those 22–24. Besides Oxford, Cambridge and Manchester would prefer that the age limits of 21–23 should be reckoned from a governing date of the 1st January. If the examination continued to be held in August, as hitherto, the effect of taking the 1st January as the governing date would be to make the actual age at the time of examination seven months higher, and the result would be that candidates on the average would go out in future seven months older than at present. The Commissioners are of opinion that if the age limits 21–23 are adopted, the governing date should be 1st August, since that date is the most convenient for the examination. It is possible that in the future young men will tend to go to Universities earlier, but that must be uncertain. Great as is the importance of Oxford and excellent as is the Oxford four years' course, the Commissioners do not consider it desirable that Indian Civilians should go out to India any later in life than they do at present.

Having stated the only objections to this third option, which appear to the Commissioners weighty, the advantages may now be set forth. From almost all the Universities of the United Kingdom candidates may appear at the examination under these conditions having completed a full Honours Course. Even at Oxford they might be expected

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to have completed a three years' course, and in some cases a full four years. Men will be selected, so far as competitive examination allows, to the best possible advantage at the time, that is, when the full results of school and college education can be most certainly ascertained. They will be mature and ready to take the responsibilities of maturity. Moreover, this option, if chosen, will allow for two years' probationary instruction, which, so far as the acquirement of knowledge is concerned, should be quite as valuable as a three years' probation given by the scheme of the Royal Commission. Again, the Commissioners understand it to be possible, and even desirable, to assign to the Indian candidates in India the same limits of age, *viz.*, 21—23 at entry.

*Conclusion.*—After weighing all the circumstances, the Commissioners advise the Secretary of State in Council that of the three plans that which fixes the age limits at 21—23 and allows for two years of probationary instruction has the greatest advantages and the fewest drawbacks, and in coming to this conclusion they are almost entirely influenced by considerations affecting the welfare of India. If they had felt it their duty to consider the educational advantages and disadvantages of the three options so far as this country is concerned, the balance of advantage would lean even more emphatically in the same direction.

### 21.

*Ben., Appt., Memos. Nos. 7076A., 7077-7090A., of 7-7-1923, to Depts.*

The procedure to be observed in appointing persons other than members of the Indian Civil Service to offices reserved for that service is indicated below.

2. The appointments which are ordinarily reserved for members of the Indian Civil Service fall into two categories, *viz.*—

- (i) "Scheduled" offices, *i.e.*, those which are reserved by law under section 98 of the Government of India Act and are specified in the third schedule of the Act.
- (ii) "Non-scheduled" offices, *i.e.*, those which are reserved by the various executive orders of the Secretary of State and are included in the list of superior appointments on which recruitment for the Indian Civil Service cadre is based.

### "SCHEDULED" OFFICES.

3. Appointment to these offices is regulated by sections 98, 99 and 100 of the Government of India Act.

Section 98 provides that all vacancies happening in any of the offices specified or referred to in the third schedule, to the

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Act and all such offices which may be created hereafter, shall be filled from amongst the members of the Indian Civil Service.

*Section 99*, sub-section (1), empowers the authorities in India to appoint to any "scheduled" office any person of proved merit and ability domiciled in British India and born of parents habitually resident in India and not established there for temporary purposes only. The offices which would be so filled are placed on a separate list and are termed "listed" posts.

Every appointment under this sub-section must be made subject to the rules prescribed by the Governor-General in Council and sanctioned by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India. A copy of these rules is appended (Home Department notification No. F. 438, dated the 30th March 1922, as subsequently amended). These rules authorise the local Government to declare the number of superior (executive and judicial) and inferior offices to which persons not being members of the Indian Civil Service may be appointed, and they also specify the qualifications of persons who may be appointed to such posts. They further provide for temporary appointments to posts in excess of the listed number to the extent, and subject to the conditions, mentioned therein.

*Section 100* provides for the appointment to "scheduled" offices of persons who do not possess the qualifications prescribed in the first sub-section of section 99.

#### 4. The appointment to "scheduled" offices—

- (1) of persons *who satisfy the requirements* of sub-section (1) of section 99 of the Act should invariably be made under the rules prescribed under that section (*vide* Home Department notification No. F. 438, dated the 30th March 1922, as subsequently amended);
- (2) of persons *who do not satisfy the requirements* of the sub-section quoted in (1) above, should be made in accordance with the provisions of section 100 of the Act.

As regards (1), rule 6 of the rules referred to enables the local Government to make occasional appointments, in excess

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of the declared number of "listed" posts, for a period not exceeding twelve months. In case it is desired to continue any appointment for a further period, a reference should be made to the Government of India, who will obtain the approval of the Secretary of State.

As to (2), appointments under section 100 will be very rare, but care should always be taken that when that section is used its requirements are strictly complied with. For this purpose the following instructions have been issued:—

- (a) Subject to report to, and approval by, the Secretary of State, the local Government can make an appointment themselves without the previous sanction of the Government of India.
- (b) All appointments made by the local Government must be reported to the Government of India promptly so as to enable them to obtain and communicate to the local Government the approval of the Secretary of State in Council within twelve months from the date of appointment.
- (c) In reporting temporary appointments, the maximum period should, whenever possible, be stated.
- (d) In the absence of special orders, the approval of the Secretary of State may ordinarily be presumed in the case of appointments made for a period not exceeding twelve months. No appointment should, however, be continued beyond this period, unless the approval of the Secretary of State has been received by the local Government within that period.
- (e) In cases in which the specific approval of the Secretary of State in Council to an appointment has been communicated to the local Government, such approval may, in the absence of orders limiting the duration of the appointment, be regarded as covering the whole period for which the appointment may be found necessary.

### "NON-SCHEDULED" OFFICES.

5. By administrative orders, the provisions of sections 98 and 100 as well as the rules under section 99 of the Government of India Act have been applied to appointments reserved by executive orders, that is, to "non-scheduled" offices.

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Appointment to these posts should also be made in the same manner as appointments to "scheduled" offices (*vide* paragraph 4 above).

6. If it is decided by the local Government that a post, whether reserved by law or by executive orders for members of the Indian Civil Service, should cease to be held by them and be filled permanently by persons not belonging to that service, definite proposals should be made for its exclusion from the provincial cadre of the Indian Civil Service. Such proposals will require the sanction of the Secretary of State in Council and should be submitted to him through the Government of India.

7. The Appointment Department should be consulted in all cases affecting appointments borne on the cadre of the Indian Civil Service in the Presidency.

*Notification No. F.-438, dated the 30th March 1922, by the Government of India, Home Department.*

In exercise of the power conferred by sub-section (2) of section 99 of the Government of India Act, and in supersession of the rules published in the Home Department notification No. 598 Establishments, dated the 21st June 1918, the Governor-General in Council is pleased to prescribe the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of votes at a meeting of the Council of India:—

1. With the previous sanction of the Governor-General in Council and of the Secretary of State in Council the local Government may, by notification in the official gazette, declare the number of superior executive and judicial offices, being offices ordinarily filled from amongst the members of the Indian Civil Service, to which, subject to the provisions of sub-section (1) of section 99 of the Government of India Act, persons not being members of the Indian Civil Service may be appointed.

2. Within the limit of number declared under rule 1 the local Government may appoint—

- (i) to a superior executive office a member of the Provincial Civil Service subordinate to the local Government;
- (ii) to a superior judicial office a member of the Provincial Civil Service subordinate to the local Government, or a person who at the time of the appointment is—
  - (a) a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland; or
  - (b) a vakil, pleader, advocate or attorney of a High Court in India; or

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(c) a pleader or advocate of a chief court or of a Judicial Commissioner's court; or

(d) a pleader of a district court;

and in respect of such qualification is of not less than five years' standing.

3. Notwithstanding anything contained in rule 2, the local Government may, within the limit of number declared under rule 1, appoint to superior executive or judicial office any person not having the qualifications prescribed for such office by rule 2:

Provided that the number of persons so appointed shall not amount to more than 15 per cent. of the total number of superior offices declared under rule 1.

4. The local Government may, by notification in the local official gazette, declare the number of inferior offices, being offices required under the provisions of section 98 of the Government of India Act to be filled from amongst the members of the Indian Civil Service, to which, subject to the provisions of sub-section (1) of section 99 of the said Act, persons not being members of the Indian Civil Service may be appointed.

5. Within the limit of number declared under rule 4, the local Government may appoint to an inferior executive office any person having the qualifications prescribed by rule 2 for appointment to a superior executive office, and to an inferior judicial office any person having the qualifications prescribed by rule 2 for appointment to a superior judicial office.

6. In addition to appointments made under the foregoing rules, whenever the exigencies of the public service so require, the local Government may, subject to the provisions of sub-section (1) of section 99 of the Government of India Act, appoint for a period not exceeding twelve months, any person not being a member of the Indian Civil Service to any office ordinarily filled from amongst the members of the Indian Civil Service. The Secretary of State for India in Council may, however, sanction the continuance of any such appointment for such period as he may fix, having regard to the exigencies of the public service.

7. The local Government may declare any person appointed under these rules to be appointed on probation only, and may prescribe the terms and conditions of such probation.

8. The local Government may at any time suspend and remove any person whom it has appointed to any office under these rules.

**22.**

*Ben., Appt., Notn. No. 8359 A., of 1-8-1922.*

With reference to rule 1 of the rules published with the notification of the Government of India in the Home Department, No. 438 F., dated the 30th March 1922, and with the

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previous sanction of the Governor-General in Council and the Secretary of State in Council, the Governor in Council is pleased to declare, in supersession of previous orders, that six superior executive offices and six superior judicial offices in the Presidency of Bengal (including one Judgeship for Assam), being offices ordinarily filled from amongst the members of the Indian Civil Service, shall, subject to the provisions of sub-section (1) of section 99 of the Government of India Act and in accordance with the rules made under sub-section (2) of that section, be filled by the appointment of persons not being members of the Indian Civil Service.

### Pay of Officers promoted from the Provincial Civil Service to hold Indian Civil Service posts.

**23.**

*India, Home, Endst. No. F. 754-22 (Ests.), of 21-8-1924.*

Copy of the following forwarded to the Chief Secretary to the Government of Bengal, for information.

*Notification No. F. 754-22 (Ests.), dated the 21st August 1924, by the Government of India, Home Department.*

The following resolution, dated the 15th July 1924, made by the Secretary of State for India in Council under sub-section (2) of section 96B of the Government of India Act, is published for general information :—

#### RESOLUTION.

In exercise of the powers conferred by sub-section (2) of section 96B of the Government of India Act, the Secretary of State, with the concurrence of a majority of votes at a meeting of the Council of India, held on this 15th day of July 1924, hereby makes the following rule under the said section :—

#### RULE UNDER SECTION 96B (2) OF THE GOVERNMENT OF INDIA ACT.

*Pay of officers promoted from the Provincial Civil Service to hold Indian Civil Service posts.*

(a) The initial pay of an officer promoted from the Provincial Civil Service shall on each occasion of his promotion be fixed on the superior time-scale of pay for the Indian Civil Service at the lowest

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stage which exceeds by not less than Rs. 300 a month the substantive pay last drawn by him in the regular line of the Provincial Civil Service, or at the stage of the superior scale for the 10th year of service in the Indian Civil Service (Rs. 1,275), whichever is greater:

Provided that in no case shall an officer of the Provincial Civil Service be granted a higher rate of pay on the Indian Civil Service time-scale of pay than that admissible under the superior time-scale to a member of the Indian Civil Service with the same length of service.

(b) On any enhancement of his Provincial Civil Service pay (whether as the result of general revision of the Provincial Civil Service rates of pay, of the operation of the Provincial Civil Service time-scale or of promotion to the selection grades of that service) while officiating in an Indian Civil Service post such an officer shall be entitled to have his pay on the Indian Civil Service time-scale of pay recalculated in accordance with the principles laid down in clause (a) of this rule on the basis of his enhanced pay in the Provincial Civil Service, and with effect from the date of such enhancement.

(c) Increments of pay on the Indian Civil Service time-scale of pay shall be granted to a Provincial Civil Service officer holding an Indian Civil Service post only on completion of a full year's service on any stage of that scale, but for the purpose of calculating one year's service at a given rate of pay, broken periods of officiating service at that rate of pay shall be taken into account.

(d) The orders contained in paragraph (2) of the Government of India, Home Department, resolution No. 1260, dated the 24th June 1920, and the Government of India, Home Department, resolutions Nos. 1053 and F. 936 (Ests.), dated the 5th May 1921, and 23rd January 1923, respectively, are hereby cancelled. Officers whose pay has been fixed under those orders will be entitled to have their pay since the first December 1919 recalculated under clauses (a), (b) and (c) of this rule. But no officer whose pay was correctly fixed in accordance with the previous orders shall suffer any loss of emoluments by reason of such recalculation; and no officer whose pay on the 1st December 1919 was correctly fixed under paragraph 2 (b) of the Home Department resolution No. 1260, dated the 24th June 1920, shall be entitled to have his pay on the 1st December 1919 recalculated.

## 24.

*Home, Endst. No. F. 149-24 (Ests.), of 15-9-1924. Ben., Appt., Nos. 11240-58A. of 30-9-1924, to officers concerned.*

Copy of the following forwarded to the Chief Secretary to the Government of Bengal, for information, in continuation of the Home Department endorsement No. F. 149-24 (Ests.), dated the 3rd July 1924, with the intimation that the rules made by



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the Secretary of State on the 15th July 1924, were published with the Home Department notification No. F.-754-22 (Ests.), dated the 21st August 1924.

*Letter No. S. & G. 1451-24, dated the 14th August 1924, from the Secretary, Services and General Department, India Office, to the Secretary to the Government of India, Home Department.*

In reply to your letter, dated the 3rd July, No. 56 F. 149-24 (Ests.), I am directed to inform you that the Secretary of State in Council agrees that in comparing the length of service of a Provincial Civil Service officer promoted to hold an Indian Civil Service post with that of an Indian Civil Service Officer, the former's total period of employment in the Provincial Civil Service (including sub. *pro tem.* and officiating service followed, without interruption, by substantive service) should be taken into account.

He is advised that it is unnecessary formally to amend the rules made on the 15th July 1924 to give effect to this decision as to their correct interpretation and accordingly confirms the orders already issued by the Government of India.

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#### Nomenclature of Provincial as opposed to All-India Services.

25.

*Ben., Res., No. 6690 A., of 25-9-1920, and Memo. Nos. 6691-6707 A., of same date, to Comms., etc.*

In paragraph 30 of their report, the Royal Commission on the Public Services in India laid down that in provincially administered departments which are organised on the basis of a higher and a lower service in accordance with the classification indicated in paragraph 26 of their report, the lower service should be designated by the name of the province to which it belongs. This has been accepted as a principle of general application by His Majesty's Secretary of State; and the Governor in Council is now pleased to direct that, in Bengal, the Executive Branch of the Provincial Civil Service shall henceforth be designated "The Bengal Civil Service (Executive)" and the Judicial Branch of the Provincial Service "The Bengal Civil Service (Judicial)." The Provincial Police Service shall be designated "The Bengal Police Service." Separate orders will issue in respect of other services.

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**ORDER**—Ordered that the resolution be published in the *Calcutta Gazette*.

Ordered also that copies of the resolution be forwarded to all Commissioners of Divisions, the Inspector-General of Police, Bengal, and to other Departments of Government for information and communication to the officers subordinate to them.

Ordered also that a copy of the resolution be forwarded to the Accountant-General, Bengal, for information.

### Rules for appointment to the Bengal Civil Service (Judicial).

26.

*Ben., Appt., Notn. No. 1784 A., of 1-3-1894.*

The Government of Bengal, with the approval of the Governor-General in Council, issued the following rules:—

#### RULES FOR ADMISSION INTO THE BENGAL CIVIL SERVICE (JUDICIAL).

**Definition.**—The Judicial Branch of the Provincial Civil Service includes Small Cause Court Judgeships outside the Presidency town, Sub-Judgeships, Munsifships, and any other appointments which the Lieutenant-Governor may from time to time specially declare to be included therein.

**Rule 1.**—In accordance with section 7 of Act XII of 1887, nominations to Munsifships will be made by the High Court under the following rules, which have been framed by the Lieutenant-Governor in consultation with the High Court, and sanctioned by the Governor-General in Council.

**Rule 2.**—A candidate shall present an application in writing to the Registrar of the High Court, Appellate Side. This shall ordinarily be accompanied by the following certificates, viz.,—

- (1) that the candidate's age does not exceed 27 years;
- (2) that he has obtained the degree of B.L., or has passed the Senior Pleadership or some analogous examination, or is a Barrister-at-Law, or Member of the Faculty of Advocates in Scotland, or is an Attorney on the rolls of the High Court;

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- (3) that he is of good moral character and has received a liberal education;
- \*(4) that he has practised as a Pleader or Barrister or Member of the Faculty of Advocates in Scotland or Attorney for not less than three years, except in the case of Vakils of the High Court for whom the period of qualifying practice will be two years, the High Court may, for special reasons, dispense with a portion (not exceeding two years) of the said period of three years;
- (5) that he is in good health and is physically fit for service. The certificate of health must be signed by a Presidency Surgeon or a Civil Surgeon.

*Rule 3.*—It shall be within the discretion of the High Court to require any such additional proof on any of the above points as it may think fit.

*Rule 4.*—If the qualifications of the candidate are satisfactory to the Court, his name shall be entered in a register as *eligible* for admission to the Subordinate Judicial Service, but priority of entry in the register shall confer no right of priority of appointment. A candidate's name shall be removed from the register in the event of failing to obtain a gazetted appointment under section 7 of Act XII of 1887 before attaining the age of 29 years.

*Rule 5.*—At the time a registered candidate is appointed permanently to the service, he shall ordinarily be required to submit a fresh health certificate signed by a Presidency Surgeon or a Civil Surgeon.

†*Rule 6.*—No member of the Provincial Service, once he has been confirmed, shall be entitled to resign his appointment without the previous sanction of Government.

## APPENDIX.

The following rules, which the Government of India and the Secretary of State have determined, shall be applied in all branches

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\*Rule 2 (4), as here printed was substituted by Appointment Department, Notification No. 1440 A. D., dated the 14th June 1907.

†Rule 6 was added by Appointment Department, Notification No. 2441-A., dated the 17th March 1920.

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of the Provincial Civil Service, are published for the information of candidates for admission to the Judicial Branch:—

*Rule 1.*—Europeans who do not satisfy the definition of native of India contained in section 6, Statute 33, Victoria, Chapter 3, are not eligible for appointment to the Provincial Service without the previous sanction in each case of the Government of India. With such sanction they may be appointed if they are qualified under the conditions mentioned in rule 2 of the above rules.

*Rule 2.*—The subjects of Native Princes in alliance with Her Majesty the Queen-Empress of India are eligible for appointment to the Provincial Service if they are qualified under the conditions mentioned in rule 2 of the above rules.

*Rule 3.*—All candidates for admission to the Judicial Branch must furnish satisfactory evidence of a thorough knowledge of at least one of the vernacular languages of the province. The High Court will require all candidates who have not already furnished such evidence at some recognised examination, to pass a special examination in either Bengali, Hindi, Urdu or Uriya before appointment: The object of the examination will be to test the candidates knowledge of the language and ability to write and read the written character with facility. The examination will include—

- (1) Translation into English of proceedings, petitions, reports, etc., written in manuscript.
- (2) Translation from English into the vernacular selected.

*Rule 4.*—Every person appointed to the Judicial Branch shall be subject to a period of probation or training, during which time his appointment will be probationary only, unless in special cases the High Court declares such probation or training to be unnecessary.

*Rule 5.*—Promotion to grades below that on Rs. 600 a month will ordinarily be given according to seniority, subject to fitness and approved conduct. But the Lieutenant-Governor reserves to himself the right to make promotion to the senior grades of the Provincial Service by special selection for merit without regard to seniority, and hereby declares that seniority alone shall not give a claim to appointment to the grade on Rs. 600 or higher grades.

*Rule 6.*—No member of the Judicial Branch shall be dismissed otherwise than on the result of a judicial or formal departmental enquiry.

### Rules for recruitment to the Bengal Civil Service (Executive) and Subordinate Civil Service.

**27.**

*Ben., Appt., Notn. No. 5705 A., of 26-4-1924.*

Rules for recruitment to the Bengal Civil Service (Executive) and the Subordinate Civil Service were published in

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notification No. 1650 A.D., dated the 31st July 1913. The decision to substitute competitive examination for the previously existing system of nomination for the recruitment of these services, and the orders issued regarding the introduction of the time scales of pay, have rendered most of these rules inapplicable, and the following revised rules are published for general information :—

*Rule 1.*—Appointments to the Bengal Civil Service (Executive) and the Subordinate Civil Service will be made (1) by the promotion of selected officers who are already in Government service, and (2) on the results of an annual examination.

*Rule 2.*—The Governor in Council will determine each year the number of appointments to be made during the year to each of these services.

*Rule 3.*—Of the number of appointments to be made in any one year, ordinarily 35 per cent. in the case of the Bengal Civil Service (Executive) and 20 per cent. in the case of the Subordinate Civil Service, will be filled by the promotion of officers who are already in Government service. Nominations for these appointments will be made by the Revenue and the Agriculture and Industries Departments and by the Board of Revenue. The age of an officer nominated under this rule should not, save in exceptional circumstances, exceed 40 years.

*Rule 4.*—Rules for the recruitment of these services by competitive examination will be published from time to time in the *Calcutta Gazette*.

*Rule 5.*—All officers appointed to the Bengal Civil Service (Executive) or the Subordinate Civil Service will be on probation for two years. An officer who has been promoted from the Subordinate Civil Service to the Bengal Civil Service (Executive) will be confirmed at the end of that period, provided that he has shown himself to be fit for the appointment. Officers promoted to the Subordinate Civil Service and all officers appointed on the results of the annual examinations are required to undergo a course of training and to pass the departmental examinations, during this period of probation. Such an officer will become eligible for the increment of pay at the end of the first year's service on passing the departmental examination by the lower standard, provided that he has submitted the records of cases required under the departmental

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examination rules to the satisfaction of the Legal Remembrancer. His confirmation in the service and his further increment of pay will depend on—

- (i) his passing the departmental examination by the higher standard;
- (ii) the submission of a certificate that he has undergone the necessary training in treasury work as enjoined by the departmental examination rules;
- (iii) the production of a certificate of his ability to ride a horse, signed by the District Officer of the district to which he is for the time being attached; and
- (iv) his general fitness for confirmation.

Delay in the fulfilment of any of these conditions beyond the normal period of two years will render a probationer liable to removal from the service.

*Rule 6.*—No member of the Bengal Civil Service (Executive) or the Subordinate Civil Service shall be dismissed otherwise than on the result of a judicial or formal departmental enquiry.

*Rule 7.*—No member of the Bengal Civil Service (Executive) or the Subordinate Civil Service, once he has been confirmed, shall be entitled to resign his appointment without the previous sanction of Government.

### Counting of temporary and officiating service of Deputy Collectors towards pension.

28.

*India, Home, Endst. No. F. 197-23 (Ests.), of 26-9-1923.  
Ben., Appt., Nos. 13678-82 A., of 12-12-1923, to Cmmrs.*

Copy of the following forwarded to the Government of Bengal for information, with reference to its letter No. 181T.—F., dated the 1st May 1923.

*Letter No. 129 F. 197-23 (Ests.), dated the 9th August 1923, from the Government of India, Home Department, to His Majesty's Under-Secretary of State for India.*

I am directed to invite a reference to paragraph 2 of the Secretary of State's telegram, dated the 28th January 1920, in which it was decided that persons directly appointed as Deputy Collector or Extra Assistant Commissioner should be definitely appointed as such, but

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### Appointments—Provincial.

should be on probation for a definite period, that they would be full members of the Provincial Civil Service as from first appointment on probation and, if confirmed, their service for leave and pension would be reckoned from the date of first appointment. The literal interpretation of the above orders restricted the application of the privilege of counting service for leave and pension from the date of first appointment to officers directly appointed as Deputy Collector or Assistant Commissioner on probation after the date of the receipt of the Secretary of State's orders.

2. In paragraph 2 of their letter No. 2655 A., dated the 13th December 1920, the Government of Bihar and Orissa made a proposal to the Government of India that conditions (a) and (b) in article 375 of the Civil Service Regulations should be waived in favour of Deputy Collectors recruited before the 1st December 1919, mainly on the ground that it would be unfair if persons recruited before that date were less favourably treated in the matter of counting service for pension than those recruited after that date. As the local services are primarily the concern of provincial Governments, and as any orders passed in the case of one such service in any province were likely to react on a similar service in the other provinces, the Government of India asked for the views of other local Governments on the proposal made by the Government of Bihar and Orissa. After considering the views of the local Governments and consulting the Auditor-General, the Government of India in their Home Department letter No. F.-346 (Ests.), dated the 10th March 1922 (copy enclosed)\*, explained to the local Governments that as regards probationary service the position was that under article 4 of the Civil Service Regulations the concession sanctioned in the Secretary of State's telegram, dated the 28th January 1920, *viz.*, that a Deputy Collector or an Extra Assistant Commissioner on confirmation would count service for leave and pension from the date of his first appointment as a probationary Deputy Collector was applicable to all Deputy Collectors or Extra Assistant Commissioners, including those in service on the 1st December 1919, subject to the general rule in article 358 (a), Civil Service Regulations. It was also ruled by the Government of India that the orders of the Secretary of State applied to probationary but not to officiating or temporary service as Deputy Collector or Extra Commissioner. It will thus be observed that under the above interpretation probationary and not officiating or temporary service can be counted towards leave and pension in the case of only those officers who were full members of the service at the time of their appointment.

3. As the result of the enquiry made in the concluding portion of the Home Department letter, dated the 10th March 1922, the Government of India were informed that except in the Madras and Bombay Presidencies and in Burma the Civil Service cadre of every other province had a few officers who could not, under the interpretation placed by the Government of India on the orders of the Secretary of State, be permitted to count towards pension their officiating or temporary service prior to confirmation.

## APPOINTMENTS.

### Appointments—Provincial.

The Government of India, however, did not refer the matter for the orders of the Secretary of State, but in their Home Department letter No. F.-346 II (Ests.), dated the 20th January (copy enclosed)\*, informed the local Governments that as they were shortly to be vested with powers under rule 163 of the proposed pension rules, to make rules for the counting towards pension of service other than permanent service, it had been decided not to proceed with the matter further.

4. I am to enclose a copy of a letter from the Government of Bengal, No. 181 T.—F., dated the 1st May 1923, and of its enclosure, in which it is explained that it is necessary to consider at once the cases of certain officers who were appointed to the service prior to 1900 and who cannot, under the existing orders, be permitted to count their officiating or substantive *pro tempore* service towards pension. The Government of India are of opinion that local Governments should be given the power to allow such service to count, subject to the provisions of article 358 (a), Civil Service Regulations, and I am to request that the Secretary of State may be moved to accord his sanction to the proposal, that pending the issue of orders under rule 163 of the new pension rules, the Government of Bengal and the other local Governments may be vested with power to deal with cases of the nature referred to above.

5. As the Bengal Government have before them a number of cases in which pensions cannot be sanctioned until the question referred to above is settled, I am to request that orders of the Secretary of State may be communicated by telegraph.

*Telegram, dated the 15th (received 16th) September 1923, from Secretary of State, to Viceroy (Home Department).*

3351. Your Home Secretary's letter No. 129 (Ests.), August 9th. Service for pension of Deputy Collectors and Extra Assistant Commissioners. • I sanction your proposal.

*Memorandum Nos. 13678-82 A., dated the 12th December 1923, by the Government of Bengal, Appointment Department.*

Copy of endorsement No. F. 197-23 (Ests.), dated the 26th September 1923, and enclosures, from the Government of India, Home Department, forwarded to the Commissioners of the Burdwan, Presidency, Dacca, Rajshahi and Chittagong Divisions, for information.

2. In the case of officers appointed to the Bengal Civil Service prior to 1900 and who cannot, under the existing orders, be permitted to count their officiating or substantive *pro tempore* service towards pension, the local Government will be prepared to consider the question of allowing such service to count on application from each officer concerned at the time of his retirement.



## APPOINTMENTS.

### Appointments—General.

**Candidates for employment to produce records of service  
if previously employed.**

**29.**

*Ben., Genl., Cir. No. 12, with Nos. 1144-57 of 2-3-1905,  
to Commers., Depts., etc.*

I am directed to invite your attention to the orders contained in paragraph 3 of the letter of the Government of India in the Home Department, No. 10 Public/919,\* dated the 15th June 1895, a copy of which was forwarded to you with this office endorsement No. 2499-2507, dated the 25th July 1895. In the passage alluded to it is laid down that, as a precaution against the inadvertent re-employment of men who may have been dismissed, officers making appointments should ascertain whether an applicant for a post has been in Government service before, and should, if he has been discharged therefrom in circumstances which are not clear, refer to his previous employer for information on the subject. It is further directed that every such applicant should be required to produce a copy of his character-book or other record of service, and that no Government servant who has been dismissed should be readmitted to service without the sanction of the local Government.

2. A case has recently occurred in which an appointment was made in contravention of these orders, and in order to secure their due observance in future, His Honour, the Lieutenant-Governor deems it necessary to direct that every candidate for employment, whether in the gazetted or in the non-gazetted ranks, should be required to state in writing whether he has been previously employed in any post under the Government or any local authority, and, if so, to produce a copy of his character-book or other record of service.

### Classification of Public Services.

**30.**

*India, Home, Notn. No. F.-472—II-23, of 21-6-1924.*

The following rules made by the Secretary of State in Council under sub-section (2) of section 96B of the Government of India Act are published for general information.

Reproduced in Board's Rules.

## APPOINTMENTS.

### Appointments—General.

Rules XVI to XXIX and the entry in the Schedule of Provincial Services relating to Burma have effect from the 21st June 1924. The remaining rules have been in operation with effect from varying dates since the 22nd December 1920:—

#### CLASSIFICATION OF OFFICERS UNDER ADMINISTRATIVE CONTROL OF LOCAL GOVERNMENTS.

I. Officers under the administrative control of local Governments other than officers employed on the administration of central subjects and appointed by the Secretary of State or the Government of India, shall be classified in the following divisions, namely:—

- (1) The all-India services.
- (2) The provincial services.
- (3) The subordinate services.
- (4) Officers holding special posts.

#### DEFINITION OF ALL-INDIA SERVICES.

II. The all-India services shall consist of—

- (a) all officers serving under local Governments who are members of any of the following services:—
  - (1) the Indian Civil Service,
  - (2) the Indian Police Service,
  - (3) the Indian Forest Service,
  - (4) the Indian Educational Service,
  - (5) the Indian Agricultural Service,
  - (6) the Indian Service of Engineers,
  - (7) the Indian Veterinary Service,
  - (8) the Indian Forest Engineering Service,
  - (9) officers of the Indian Medical Service in civil employ,

and any other service declared by the Secretary of State in Council to be an all-India service;
- (b) military officers and other officers holding posts borne on the provincial cadres of the above services.

#### DEFINITION OF PROVINCIAL SERVICES.

III. (1) The provincial services shall consist of the services shown in the schedule to these rules, and any other service declared by the local Government to be a provincial service.

## APPOINTMENTS.

### Appointments—General.

(2) The services shown in the schedule shall include all appointments at present included in these services and any appointments which a local Government may add thereto:

Provided that if any service not included in the schedule to these rules is declared to be a provincial service, or if any appointment of a kind or class not at present included in a provincial service is added thereto, such declaration or addition shall be without prejudice to the rights and prospects of members of provincial services affected who were appointed before these rules were made.

### DEFINITION OF SUBORDINATE SERVICES.

IV. The subordinate services shall consist of all minor administrative, executive and ministerial posts to which appointments are made by the local Government or by an authority subordinate to the local Government.

### SPECIAL POSTS.

V. Special posts shall include all posts of a special or technical character, not included in an all-India or provincial service, to which appointments are made by the local Government or by any other authority on behalf of the local Government and which are declared by the local Government to be special posts.

### APPOINTMENTS TO ALL-INDIA SERVICES.

\*VI. All first appointments to an all-India service other than—

(a) appointments to the Indian Forest Service or Indian Service of Engineers by promotion of officers belonging to some other service;

(b) appointments made under the provisions of sections 99 and 100 of the Government of India Act;

(c) appointments of officers seconded from military employ,

shall be made by the Secretary of State in Council.

VII. Save as provided in the rules or orders regulating the recruitment of the all-India services, no person may

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\* Rule VI is printed here in its amended form *see* India Government, Home Department, Notification No. F. 313-24-Public, of 9th October 1924.

## APPOINTMENTS.

### Appointments—General.

be appointed without the previous sanction of the Secretary of State in Council to any post borne on the provincial cadre of such service, except a person who is either a member of such service or is already holding a post borne on the cadre of such service:

Provided that the local Government may appoint a member of the Indian Civil Service to the post of Inspector-General of Police or to the post of Director of Agriculture.

### PROMOTION OF OFFICERS OF ALL-INDIA SERVICES.

VIII. The local Government has authority to promote officers of an all-India service to any post borne on the provincial cadre of such service:

Provided that the prior approval of the Governor-General in Council is required to—

- (1) the appointment of officers with less than 25 or 18 years' service, respectively, to the posts of Chief and Superintending Engineers in the province of Assam; and
- (2) appointments, except in the provinces of Madras and Bombay, to the posts of—
  - (a) Chief Conservator of Forests, and
  - (b) Conservators of Forests.

### TRANSFER OF OFFICERS OF ALL-INDIA SERVICES.

IX. The power to transfer officers of an all-India service from any one post to any other post borne on the cadre of such service, or from any one part of the province to any other part, is vested in the local Government, but may be delegated by the local Government, subject to such conditions as it may prescribe, to any authority subordinate to it, or in the case of officers holding judicial posts to a High Court or a Chief Court or the Court of a Judicial Commissioner.

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NOTE.—For the rules regarding appeals, petitions and memorials, see Order No. 12, printed on page 14 *ante*.

## APPOINTMENTS.

### Appointments—Of Muhammadans.

#### Employment of Muhammadans in ministerial appointments in mufassal offices and Civil Courts.

**31.**

*Ben., Appt., Nos. 3386-88A., of 20-4-1914, to Commrs., etc.*

The Governor-in-Council has had under his consideration the question of the co-ordination of the orders in force in the Presidency on the subject of the employment of Muhammadans in ministerial appointments.

2. The policy of the Government of India regarding appointments, which lie in the hands of the local Governments, the High Courts or local officers, was enunciated in the resolution of the Home Department, dated the 15th July 1885, published in the *Gazette of India* of the 18th July 1885, in which the following passage occurs:—

The Governor-General in Council desires that, in those provinces where Muhammadans do not receive their full share of State employment, the local Governments and High Courts will endeavour to redress this inequality as opportunity offers and will impress upon subordinate officers the importance of attending to this in their selection of candidates for appointments of the class referred to. The subject of the extent to which Muhammadans are employed in offices under Government might usefully be noticed in the annual reports of provincial administration.

Attention was invited in the same resolution to the fact that the numerical inferiority of Muhammadans in the public offices was very marked in Bengal. Orders have been issued from time to time by the Governments of Western and Eastern Bengal, emphasising the importance of giving effect to the policy of the Government of India, as indicated in the above resolution, prescribing statistical returns to show the progress made and reminding local officers of the importance of the subject. Recent statistics obtained from local officers, however, show that the progress attained in this direction so far has not been very marked. It will be observed from the figures noted below for offices subordinate to the Divisional Commissioners in Eastern Bengal, that the proportion of Muhammadans in these offices still falls below the percentage borne

## APPOINTMENTS.

### Appointments—Of Muhammadans.

by the Muhammadan population literate in English to the total population of persons literate in English:—

Division.	Total permanent strength.	Muhammadans holding permanent appointments.	Percentage of column 3 on column 2.	Total number of persons (males) literate in English.	Total number of Muhammadans (males) literate in English.	Percentage of column 6 on column 5.
1	2	3	4	5	6	7
Decca ..	556	70	12	86,859	15,767	18
Chittagong* ..	447	109	24	30,199	8,811	29
Rajshahi† ..	819	186	22	39,815	10,676	26

\* Excluding Chittagong Hill Tracts.

† Excluding Darjeeling.

While it is not intended that Muhammadans should be admitted to the public service when their educational qualifications fall short of the standards that have already been fixed for admission to that service, it has to be remembered that literacy is not the only important consideration that should govern recruitment for Government service. It is reasonable that the number of Muhammadans in ministerial posts should also bear some relation to the importance and population of the community. The adoption of a policy based on these principles has long been approved by Government; and it appears to the Governor in Council that these principles have assumed a greater importance owing to the remarkable progress in education made of late years by the Muhammadan community. His Excellency in Council is therefore convinced that the time has come when it is advisable to fix a more definite proportion of appointments which should be filled by Muhammadans in the ministerial services employed in district offices. Special orders are already in existence regarding the ministerial officers in the offices of the Secretariat and of heads of departments. After a careful consideration of all the circumstances, His Excellency in Council thinks that, under present conditions, one-third would be a fair share of the ministerial appointments which should be held by Muhammadans in the offices in the Dacca, Chittagong and Rajshahi Divisions, excluding the Darjeeling district, and in the Presidency Division. In the other districts of the Presidency the proportion should correspond approximately to the percentage of the population represented by Muhammadans. His Excellency in Council desires that officers empowered to make appointments should make special efforts to attain to

## APPOINTMENTS.

### Appointments—Of Muhammadans.

this standard, and that until the prescribed proportion has been reached, they should not reject a Muhammadan candidate; if qualified, in favour of a Hindu candidate, merely because the latter has superior qualifications. Failure to comply with these instructions in respect of appointments made should be especially explained in the annual statement prescribed in paragraph 4 of this circular.

3. There are reasons to believe that the paucity of Muhammadan candidates has often been due to the fact that vacancies are not properly advertised. Accordingly I am to invite attention to the standing orders contained in rule 1, Appendix B, at page 78 of the Board's Rule, 1910 (*cf.* also corresponding rule 1, Appendix B, at page 83 of the Board's Rules, 1902, applicable to the districts in Eastern Bengal), which direct that whenever a permanent vacancy occurs or is about to occur in a paid appointment, a notice of the fact shall be suspended in some prominent place in the office, and a date, which shall not be less than 15 days after the issue of the notice, shall be fixed for filling up the vacancy. His Excellency in Council desires that heads of offices should scrupulously follow this rule and should supplement this procedure, when necessary, by invoking the assistance of recognised Muhammadan associations to secure qualified candidates. It is hoped that, as the number of qualified Muhammadan youths increases every year, it will not be difficult to obtain suitable candidates, if only steps are taken to ensure that timely information of the existence of vacancies reaches those interested. The Governor in Council is confident that, with the co-operation of his officers and by the adoption of the measures indicated, a distinct and steady advance will be maintained in the matter of employment of Muhammadans.

4. Lastly, for statistical purposes, it is important to secure a uniformity in the form of returns furnished to Government by local officers regarding the employment of Muhammadans, in place of the different forms which have hitherto been in use in Eastern and Western Bengal. The Governor in Council accordingly directs all officers concerned to furnish the prescribed statistics commencing with the current official year in the form annexed to this circular. This form will supersede all the forms hitherto in use. The returns should reach Government\* not later than the 1st of July following the year to

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\*See order No. 34 (printed *post*, page 93), discontinuing submission of the returns to Government.

## APPOINTMENTS.

### Appointments—Of Muhammadans.

which they relate. The return regarding the employment of natives of the province prescribed by the late Government of Eastern Bengal and Assam need not be furnished in future.

**Statement showing the employment of Muhammadans in ministerial appointments in the during the year ending 31st March 19 .**

Office.		1ST APRIL.				31ST MARCH.				NUMBER OF VACANCIES DURING THE YEAR.		NUMBER OF VACANCIES FILLED BY MUHAMMADANS.		REMARKS.
1	2	3	4	5	6	7	8	9	10*	11	12	13*	14	

\* Columns 10-13 were recast in Appointment Department No. 200-204A., of 12th January 1917, to Commissioners (See order No. 32.)

### 32.

*Ben., Appt., Nos, 200-204A., of 12-1-1917, to Commrs.*

I am directed to refer to the orders contained in this office circular No. 3386A., dated the 20th April 1914, on the subject of the larger employment of Muhammadans in ministerial appointments.

2. The returns which, in accordance with these orders, were submitted for the year 1914-15, have been examined. They show that the progress which is being made is not altogether satisfactory. In some cases fully qualified Muhammadans have been passed over in favour of Hindu candidates with inferior educational qualifications. In other cases it is explained that Muhammadans who had attained the necessary



## APPOINTMENTS.

### Appointments—Of Muhammadans.

educational standard were not available. It appears, however, that Hindus without the minimum educational qualifications have been freely appointed. It is further reported that Muhammadan candidates were frequently unwilling to serve as probationers or in temporary vacancies.

3. While admitting that there are many difficulties which must necessarily impede a rapid advance in the matter of the employment of Muhammadans in ministerial appointments, the Governor in Council is nevertheless not satisfied that appointments are being properly advertised. It is highly probable that with a proper system of advertisement there would be no dearth of suitable candidates. There appears also to be a tendency in certain offices to give priority of consideration to the claims of Hindus to two-thirds of the ministerial appointments, while the claims of Muhammadans to the remaining third are kept in the background.

In order to facilitate further progress in the attainment of the prescribed standard, I am to request that the following instructions may be observed in the future by officers who are empowered to make appointments:—

- (a) In offices where the existing proportion of Muhammadans is below the prescribed minimum, a beginning should be made by the appointment of a Muhammadan on the occurrence of the next vacancy, unless, for any reason which should be fully recorded, it is impossible to find a qualified Muhammadan candidate.
- (b) In addition to the existing methods of advertisement, every officer empowered to make an appointment should send, in the attached form, information of any vacancy which, in the usual course, should be filled by a Muhammadan, to the Assistant Director of Public Instruction for Muhammadan Education, who will arrange for advertising it in such manner as he may think fit. The advertisement should state that Muhammadans only need apply, or that preference will be given to Muhammadan candidates who have attained the prescribed educational standard, which should be clearly specified.

4. I am to add that columns 10 and 13 of the return prescribed in the circular letter of the 20th April 1914 show only

## APPOINTMENTS.

### Appointments—Of Muhammadans.

the total number of temporary vacancies and the number filled by Muhammadans. The figures do not, however, show how many of the temporary vacancies were filled by the same man during the period. In order that the number of the *personnel* and not the number of vacancies that have been filled should be clearly shown, I am to request that columns 10 and 13 of the return may be recast as follows:—

Number of permanent vacancies during the year.	Number of permanent vacancies filled by Muhammadans.	Number of temporary clerks employed during the year.	Number of Muhammadans employed as temporary clerks during the year.
10	11	12	13

Name of office.	Appoint-ment.	Nature of vacancy i.e., permanent or temporary.	Pay of the appoint-ment.	Qualifi-cation required	To whom applica-tions are to be sent.	Remarks, e.g., preference will be given to Muham-madan candidates.
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NOTE.—Extract paragraph 4 was circulated to District and Sessions Judges with Appointment Department Nos. 226-48A., of 12th January 1917.

**33.**

*Ben., Appt., Nos. 2039-43 A., of 23-3-1917, to Commrs.*

I am directed to refer to the correspondence ending with this office circular Nos. 200-204 A., dated the 12th January 1917, on the subject of the employment of Muhammadans in ministerial appointments.

## APPOINTMENTS.

### Appointments—Of Muhammadans.

2. The Governor in Council has examined the returns which were submitted for the year 1915-16, and finds that there has on the whole been some improvement in the employment of Muhammadans over that in 1914-15. Government, however, are not satisfied that better results could not have been attained if the Commissioners of Divisions and heads of departments, to whom Government look to assume responsibility for the carrying out of the orders in the matter, had taken a greater interest in it. Most of them have generally forwarded a mass of figures without comment or an attempt at a review of the progress which has been made. I am to request that, in future, you will be so good as to examine the returns and review them carefully before submitting them to Government. I am also to request that, when an examination of the returns shows that the reasons for the failure to secure the proper proportion of Muhammadans are not valid, you will issue such orders to the officers subordinate to you as may appear to be called for, and report the action taken for the information of Government.

**34.**

*Ben., Appt., Nos. 5159-63 A., of 30-9-1918, to Commrs.*

I am directed to address you on the subject of the employment of Muhammadans in ministerial appointments in this Presidency. The existing orders are contained in this office circular No. 3386 A., dated the 20th April 1914. Since these orders were issued, Government have received three sets of returns, *niz.*, those for the years 1914-15, 1915-16 and 1916-17, and have issued supplementary orders from time to time. In circular Nos. 254-58 A.—D., dated the 29th April 1916, it was directed that statistics regarding the employment of probationers should be included in the annual returns. In circular Nos. 200-204 A., dated the 12th January 1917, the form of the return was slightly modified, and it was directed that information regarding vacancies for which Muhammadan candidates were desired should be given to the Assistant Director of Public Instruction for Muhammadan Education. In another circular, Nos. 2039-43 A., dated the 23rd March 1917, stress was laid on the responsibility of Commissioners of Divisions and heads of departments for securing proper attention to the orders of Government on the subject; and they were requested to review the returns in submitting them to Government.

## APPOINTMENTS.

### Appointments—Of Muhammadans.

2. The policy of Government has now been clearly laid down and may be summarised as follows :—

- (1) The standard to be worked up to is that one-third of the ministerial appointments should ultimately be held by Muhammadans in the offices of the Dacca, Chittagong\* and Rajshahi Divisions, excluding the Darjeeling district, and in the Presidency Division, and that in the other districts of the Presidency, the proportion should correspond approximately to the percentage of the population represented by Muhammadans.
- (2) Until this standard is reached, Muhammadans should be appointed at least on the occasion of every third vacancy, or whatever the prescribed proportion may be, provided that suitable Muhammadan candidates are forthcoming. For this purpose, it is not necessary that the appointment should be to the actual vacancy that has occurred, but it should be somewhere in the chain of vacancies caused by the filling up of the original vacancy.
- (3) In order to obtain suitable Muhammadan candidates, care should be taken to see that timely information of the existence of vacancies reaches those interested and the assistance of recognised Muhammadan Associations and of the Assistant Director of Public Instruction for Muhammadan Education should be freely invoked for this purpose.

3. The prescribed returns will continue to be submitted to Commissioners and heads of departments, but now that the established policy of Government in the matter is well understood, it is no longer necessary that the detailed returns concerning individual appointments should be submitted to Government. Commissioners and heads of departments will, however, after examining the returns, record a resolution showing clearly the progress made in different offices in working up to the prescribed standard, the reasons for any failure to carry out the policy of Government and the action taken to remedy matters.

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\*The figure for Muhammadan employment in the Chittagong Hill Tracts district was reduced to 3·3 per cent. in Appointment Department, No. 2608A., of 22nd March 1920, to Commissioner, Chittagong Division.

## **APPOINTMENTS.**

### **Appointments—Of Foreigners.**

A copy of the resolution should be submitted annually to Government in the Appointment Department not later than the 31st July following the year to which the returns relate. The resolution for the year 1917-18 should be submitted at once.

### **Appointments—Of Foreigners.**

#### **Exclusion of foreigners from Government appointments and public offices in India.**

**35.**

*India, Home, Res. No. 1093, of 10-5-1921.*

The Government of India have had under consideration the question of adopting a general policy of exclusion of foreigners from Government appointments and public offices in India. In August last, they addressed the Secretary of State on the subject and they are now pleased to announce the principles and rules which have been approved.

2. The appointment of aliens to "any office or place in the Civil Service of the State" apart from any prohibition under the Act of Settlement is now definitely prohibited in the United Kingdom by section 6 of the Aliens Restriction (Amendment) Act, 1919. Conditions in India justify the provision of special safeguards. At the outbreak of the war there were certain enemy alien subjects in Government employ who, the Government of India have reason to suspect, abused their positions, and although the circumstances of the war provided the Government with a temporary solution of the question by purging the services in India of the enemy alien element, it is important that with the restoration of peace, measures of a permanent nature should be adopted to put an end to the selection of foreigners to Government appointments and offices. The permanence of friendly or hostile relations cannot be assumed, and a policy of discrimination between Powers is open to objection by reason of the prejudices which it would create. The Government of India have therefore decided, with the approval of the Secretary of State, on a general policy of exclusion of all foreigners, subject to exceptions being made in special cases.

3. The adoption of this policy necessitates a more explicit nationality qualification for admission to the services in India. The law of naturalisation, as at present enacted, gives British

## APPOINTMENTS.

### Appointments—Of Foreigners.

naturalisation to every person born in His Majesty's Dominions (whatever the parentage may be). The rules at present in force for admission into the Indian Civil Service and the Indian Police Service already provide for the exclusion of non-British subjects, and the Government of India consider that the qualification prescribed in the rules for the Indian Civil Service may suitably be adopted for other services and appointments. These rules provide that a candidate must show—

- (a) That save as hereinafter provided he (the candidate) is a British subject.
- (b) That if he (being a British subject) or his father or his mother was not born within His Majesty's Dominions and allegiance then at the time of his birth his father was a British subject, and that such father still is, or continued to be till his death, a British subject.

The Government of India have examined other alternatives, but have come to the conclusion that this qualification will best secure the object in view, and should be generally adopted in the case of all services and appointments (including posts filled by nomination), whether recruited in England or in India.

4. The Government of India desire that it should be clearly understood that the policy of excluding foreigners from Government appointments and public offices will not apply to the rulers or subjects of Indian States. The rules for the Indian Civil Service provide that such persons may be considered eligible for admission to that service in respect of whom the Governor-General in Council has made a declaration under section 96A of the Government of India Act, but there is no such statutory restriction in other cases. An exception to the general prohibition will also be made in regard to the subjects of French and Portuguese India who are now employed in minor capacities in adjoining British territories, as it is not desirable at present to prohibit such employment altogether.

5. The Government of India recognise that it will occasionally be necessary to employ foreigners with special qualifications for special work, for example, in scientific, technical or specialist posts and possibly in a scientific service. But all such appointments should be of rare occurrence and none will

## APPOINTMENTS.

### Appointments—Special.

be made in England without the sanction of the Secretary of State or in India without the sanction of the Government of India. These restrictions will be applicable in the same way to honorary offices in respect of which local Governments and administrations will have authority to make exceptions, where necessary. In pursuance of this policy steps have already been taken by certain local Governments to render foreigners ineligible to vote at elections or sit as members of public bodies, such as local or district boards, or port and improvement trusts. The Government of India contemplate asking the various university authorities in India to apply the same principle in the election of their Vice-Chancellors and other officers drawing a pay of more than Rs. 200 a month, and approaching the States in India with a view to the adoption by them of a similar policy.

6. The Government of India propose to take up later the question of giving effect to the foregoing orders by incorporating them in the rules framed under section 96B of the Government of India Act.

ORDER.—Ordered that a copy of this resolution be forwarded to all local Governments and administrations, the several departments of the Government of India (including the Financial Adviser, Military Finance) and the offices subordinate to the Home Department for information \* (and necessary action) † (in continuation of the Home Department endorsement No. 1631, dated the 12th August 1920).

Ordered also that it be published in the Supplement to the *Gazette of India* for general information.

### Appointments—Special.

#### Salary of officers holding special appointments outside the regular line.

36.

*India, Finl., No. 6569 Ex., of 25-10-1907, Ben., Appt.,  
Nos. 834-41A., of 4-2-1908, to Depts.*

It has been brought to the notice of the Government of India that difficulty is sometimes experienced in determining

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\* Only for the Department of Education and the Foreign and Political Department

† Not for local Governments and Administrations.

## APPOINTMENTS.

### Appointments—Special.

the salary admissible to officers holding certain special appointments, such as those of Director of Land Records, Director of Agriculture, Settlement Officer, etc., in which the salary depends upon the position that the officer, if he were not holding the special appointment, would have occupied from time to time in the regular line of the service to which he belongs. The orders as to the pay admissible in such appointments are not always couched in identical terms; for instance, in some cases they authorise the grant to the officer of "the pay, substantive or officiating, of the officer next below him in the regular line who does not hold a special appointment," and in others "the salary or pay inclusive of officiating allowances which would be admissible to him if serving in the regular line and, not holding a special appointment." The intention, however, in both cases is the same, namely, to secure to an officer holding such a special appointment the same prospects as would have been open to him in the general line, *plus* any allowances which the special appointment may carry.

2. There is no sure automatic means of estimating what an officer who holds a special appointment would be drawing if he had remained in the regular line. To give him the salary drawn by the officer next below him who, belonging to the same branch of the service, does not hold a special appointment, is a rule which meets the great majority of cases, and the Government of India are of opinion that it is generally equitable. Occasionally, however, it results in anomalies. In a recent case of two officers holding special appointments, the application of the rule gave to the senior less pay than to the junior, because the officer next below the latter happened, on grounds of administrative convenience, to have been promoted to officiate in an appointment which carried a higher salary than that drawn by the officer next below the former. It is impossible to frame a rule which will cover all exceptional cases; and the Government of India have decided to leave it to the local Government, whenever the interpretation of the rule is open to doubt, to determine which officer in the regular line, not himself holding a special appointment, shall be regarded as the officer next below the officer holding a special appointment for the purposes of regulating the pay of the latter. It will, of course, be open to the audit officer concerned, if he considers a ruling unreasonable, to refer it for orders.



## APPOINTMENTS.

### Resignation.

3. The Government of India have also decided, in modification of the previous orders which excluded from the calculation the officiating allowances drawn by the officer next below in a privilege leave vacancy, to allow an officer who holds a special appointment, the salary of which is governed by the considerations not referred to, the same salary as the officer next below him in all cases.

*NOTE. These orders have been rendered out of date by the introduction of the time scale of pay, but the underlying principle still applies.*

### **Names of officers of the regular line employed on special work to be reported to Government.**

**37.**

*Ben., Appt., No. 1865A., of 20-3-1899, to Commrs.*

I am directed to request that you will be so good as to furnish this Department, from time to time\*, with the names of officers of the regular line who are in charge of district treasuries, of the settlement of Government estates, the collections of rents from such estates, the writing up of tauzi registers, †(the Chaukidari and Pharidari resumption), and other special work.

### Resignation.

### **Rights and duties of Government servants in the matter of resignation.**

**38.**

*India, Home, Res. No. 1494, of 3-10-1919. Ben., Appt., Nos. 3704-13 A.—D., of 30-10-1919, to Depts. 1920.*

The attention of the Government of India was recently drawn to a published despatch of the Secretary of State for the Colonies, in which members of the colonial services were warned that no servant of the Crown was at liberty to resign his appointment without its permission, and that resignation without such permission would be treated as absence from duty

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\* In Government order Nos. 3826-31A., of 18th July 1908, it was directed that the information should be furnished as changes occur instead of annually.

† This portion is for the Commissioner of the Burdwan Division only.

## APPOINTMENTS.

### Resignation.

without leave and punishable by dismissal and disqualification from further service under the Crown in any capacity, civil or military. The Government of India considered whether similar orders could or should be applied to officers serving in India. It was clear, however, that members of many of the Indian services are in this matter on a different footing from members of the colonial services, the terms of whose appointment include the statement that they hold office "during His Majesty's pleasure". It is true that a similar provision exists in the preamble to the covenant into which members of the Indian Civil Service are required to enter, and that the Secretary of State for India in his despatch of the 16th April 1915 has ruled that the application of a member of the Indian Civil Service for permission to resign is not a mere form, and that no such officer is at liberty to resign without previous sanction. The holders of certain high judicial appointments and bishops are, however, the only other civil officers in India to whom a condition of this kind applies. As regards other services, the Government of India came to the conclusion that they could not issue orders similar to those promulgated by the Secretary of State for the Colonies, as the terms of appointment to those services did not include a stipulation regarding the tenure of office during His Majesty's pleasure.

2. After consulting local Governments in the matter, the Government of India, with the sanction of the Secretary of State, have now decided that future entrants to the services shown in the list appended to this resolution shall not be entitled to resign their appointments without the previous sanction of the Government under which they are employed. The Secretary of State is taking steps to give effect to this decision by modifying existing forms of agreement and the regulations of the different services so far as may be necessary. It is not intended to apply the condition to military officers, who are governed by a different regulation, or to experts or others who are appointed to special posts under contract for short periods.

3. It should be understood that this modification in the conditions of the services will not in practice be allowed to interfere with any arrangement now in force, under which probationers for a service are allowed the right to resign on the conclusion of their probationary term. The list appended to this resolution does not include services and posts to which the

## APPOINTMENTS.

### Resignation.

local Governments are competent to appoint, as those Governments will themselves be able to impose the requisite condition in such cases.

4. As a subsidiary matter the Government of India have also considered, with reference to articles 463, 464 and 465 of the Civil Service Regulations, the question whether an officer who has completed his qualifying service for pension is entitled to retire at his option. They recognise that he can do so without objection, if he has reached the age prescribed for superannuation pension; but, if not, they consider that even though he may have completed the term of service qualifying for pension under article 465, Civil Service Regulations, he should be bound, unless the contrary is distinctly laid down in the agreement made with him or in the standing orders relating to his particular service, to obey the Government when it requires him in the public interest to serve for a longer period than that which qualifies him for a pension. If he disobeys, he should be liable to such penalty as the Government may choose to enforce. After consulting local Governments, the Government of India, with the sanction of the Secretary of State, have resolved, in order to give effect to this decision, to alter the words "who voluntarily retires" in article 465, Civil Service Regulations, to "who is permitted to retire". Permission to retire will not, as a matter of practice, be refused to any officer who has completed the term of service qualifying for pension, unless there are emergent reasons for retaining his services. This rule will apply both to present and to future members of all the services mentioned in the list, except the present incumbents of those services to which articles 476 and 641, Civil Service Regulations, apply (namely, Forests, Geological Survey, Public Works, Railways and Telegraphs). The new rule will not affect existing members of the latter services, unless they elect to come under the revised pension rules which will shortly be framed in connection with the recommendations of the Public Services Commission.

ORDER.—Ordered that a copy of this resolution, together with copies of the despatches to and from the Secretary of State, which are annexed, be forwarded to the Governments of Madras, Bombay, Bengal, United Provinces, Punjab, Burma and Bihar and Orissa, and the Honourable the Chief Commissioner, Central Provinces, Assam and North-West Frontier Province, for information and guidance; that a copy of this

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resolution, together with a copy of the despatch from the Secretary of State, be forwarded to the several departments of the Government of India (except Army and Legislative Departments), for information, in continuation of the Home Department endorsement No. 1695 C., dated the 6th March 1919; and that a copy of the resolution be forwarded to the Superintendent of Port Blair, the Director-General, Indian Medical Service, the Director, Central Intelligence and the Registrar of the High Court, Calcutta, (by usual letter) for information.

### Revised List of Services.

- (1) Imperial Police Service.
- (2) Public Works Department, Engineer Establishment.
- (3) Indian Finance Department.
- (4) Opium Department.
- (5) Civil Officers of the Military Accounts Department.
- (6) Imperial Customs Department.
- (7) Post Office and Telegraph Department.
- (8) Geological Survey of India.
- (9) Mines Department.
- (10) Distillery Experts recruited in England.
- (11) Northern India Salt Revenue Department.
- (12) Imperial Service of the Survey of India Department.
- (13) Indian Agricultural Service.
- (14) European Gardeners' Service.
- (15) Botanical Survey Department.
- (16) Indian Civil Veterinary Department.
- (17) Meteorological Department.
- (18) Imperial Forest Service.
- (19) Indian Educational Service and such Educational officers as are recruited or appointed by the Secretary of State on terms analogous to those of the Indian Educational Service.
- (20) Keeper of the Records of the Government of India.
- (21) Librarian, Imperial Library, and the Superintendent, Government Museum, and Principal Librarian, Connemara Library, Madras.
- (22) Indian Ecclesiastical Service, excluding Bishops who are governed by their Letters Patent.
- (23) Indian Archaeological Survey Department.
- (24) Officers of the Zoological Survey.
- (25) Non-Indian Medical Officers of the Sanitary and Bacteriological Departments.

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### Resignation.

(26) Superior Revenue Establishment of State Railways.

(27) Mines and Coal Department of State Railways.

(28) Signal Department of State Railways.

*Despatch No. 8, dated the 27th February 1919, from the Governor-General of India in Council, to His Majesty's Secretary of State for India.*

We have the honour to forward, for your consideration, a copy of the papers entered in the annexed list\* relating to the rights and duties of the servants of the Crown in the matter of resignation.

2. Our attention was drawn to a published circular despatch of the Secretary of State for the Colonies, dated the 16th July 1915, in which members of the Colonial Services were warned that no servant of the Crown was at liberty to resign his appointment without its permission, and that resignation without the same would be treated as absence from duty without leave and punishable by dismissal and disqualification from further service under the Crown in any capacity, civil or military. We considered whether similar orders could or should be applied to existing officers serving in India. On enquiry, we found that members of the Home Civil Services and of many of the Indian services were in this matter on a different footing from those of the Colonial Services, the terms of whose appointment include the statement that they will hold office "during His Majesty's pleasure". A similar provision already exists in the preamble to the covenant into which members of the Indian Civil Service are required to enter, and Lord Crewe, in his despatch No. 76 (Public), dated the 16th April 1915, laid down that the application of a member of the Indian Civil Service for permission to resign was not a mere form, and that no such officer was at liberty to resign without previous sanction. The holders of certain high judicial appointments and bishops are, however, the only other civil officers in India to whom a condition of this kind applies. As regards other services, we came to the conclusion that we could not issue orders on the lines of those promulgated by Mr. Bonar Law in 1915, as the terms of their appointments included no such stipulation. But we proposed to lay down for future entrants to the services enumerated in a list, which we drew up, a condition similar to that which is now required of members of the Indian Civil Service and Colonial Services at the time of their admission. As a preliminary to addressing you we asked the local Governments and administrations for an expression of their opinion on the point, and we also enquired whether they would recommend the extension of this condition to any service or services other than those mentioned in the list. We explained that it was not intended to apply it to military officers, who are governed by a different regulation, or to experts or others, who are appointed under contract to special posts for short periods.

3. The enclosed copies of the replies received from the local Governments and administrations show a general acceptance of our proposal that the new condition should be imposed on all future entrants to the superior services named in the list accompanying our circular letter

\* Not printed.

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### Resignation.

of the 3rd of January 1917. With reference to the suggestions put forward by the Governments of Madras and Bengal, we have revised the list so as to include (a) such Educational officers as are recruited or appointed in England under contract by the Secretary of State to hold pensionable posts on terms analogous to those relating to the Indian Educational Service; and (b) the Superintendent, Government Museum, and Principal Librarian, Connemara Library, Madras. We have omitted various other services and posts to which the local Governments have the power to make appointments, as those Governments will themselves be able to attach the requisite condition in such cases. We do not agree with the Government of Bombay in the view that we should except non-Indian Medical Service officers of the Sanitary and Bacteriological Departments; nor do we support the objections raised by the Governments of Bengal and the United Provinces against the inclusion of the Indian Ecclesiastical Service and specialists serving in the Indian Educational Service. We request your permission to make the proposed condition of appointment applicable to all future entrants into the services enumerated in the revised list\* attached to this letter, and we trust that you will give effect to it, by modifying the existing forms of agreement in the services concerned, and by amending, where necessary, the regulations which govern their appointments.

4. As a subsidiary matter we have discussed, with reference to articles 463, 464, and 465 of the Civil Service Regulations, the question whether an officer, who has completed the term of service qualifying for pension, should be allowed to retire at his own option. We admit that he can do so without objection, if he has reached the age prescribed for superannuation pension; but, if not, we think that, even though he may have completed the term of service qualifying for pension under article 465 of the Civil Service Regulations, he should be bound, unless the contrary is distinctly laid down in the agreement made with him or in the standing orders relating to his particular service, to obey the Government when it requires him in the public interest to serve for a longer period than that which qualifies him for a pension. If he disobeys, he should be liable to such penalty as the Government may choose to enforce. We have considered the remarks of the local Governments on this proposal, and we agree with the Government of Bengal that the best means of giving effect to it will be to alter the words "who voluntarily retires" in article 465, Civil Service Regulations, to "who is permitted to retire". We would also observe, with reference to the last sentence in paragraph 3 of the letter from the Chief Commissioner of the Central Provinces, that we are not concerned here at all with the question of compulsory retirements, with which we are dealing separately in connection with paragraph 91 of the Report of the Public Services Commission. If you see no objection to the present proposal, we will issue orders accordingly, making it clear, however, that permission to retire will not, as a matter of practice, be refused to any officer who has completed the term of service qualifying for pension, unless there are emergent reasons for retaining his services. We propose to apply the rule to both present and future members of all the services mentioned, except the present incumbents of those services to which articles 476 and 641 of the Civil Service Regulations

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### Charge Reports.

apply (namely, Forests, Geological Survey, Public Works, Railways and Telegraphs). Officers of these services at present possess unfettered option of retiring at any time after they have completed 20 years' service, and the new rule should not affect them unless they elect to come under any revised pension rules which may hereafter be framed in connection with the recommendations of the Public Services Commission.

*Despatch No. 50 Financial, dated the 31st July 1919, from His Majesty's Secretary of State for India, to the Governor-General of India in Council.*

I have considered in Council your letter of 6th March 1919, No. 8, Home Department, on the subject of the rights and obligations of Government servants in regard to resignation of their appointments. I agree to your proposal that it should be a condition of appointment, applicable to all future entrants into the service enumerated in the revised list appended to your letter, that officers will not be entitled to resign their appointments without the previous sanction of the Government under which they are employed. I am arranging to give effect to this decision here by modifying existing forms of agreement and the regulations of the different services so far as appears to be necessary. The specific statement mentioned above will be more suitable than one to the effect that the officers will hold office during His Majesty's pleasure. The latter would certainly not be so readily understood; and I am advised that it is doubtful whether its effect would be as intended.

2. Your proposed alteration of article 465, Civil Service Regulations, would partially effect, in respect of the officers to whom the article applies, including officers already in the service, the same object to which the proposal approved in the preceding paragraph is directed. I approve the alteration and also the statement which you wish to make as to the circumstances in which you would use the power of postponing the retirement of officers qualified for pension. I also approve your recommendation as to the exemption of officers who come under articles 476 and 641.

3. It is to be understood that the modifications mentioned in paragraph 1 above will not in practice be allowed to interfere with any arrangement now in force, under which probationers for a service are allowed the right to resign on the conclusion of the probationary term.

### Charge Reports.

**Report of giving/receiving charge of offices to be submitted  
direct to Government.**

**39.**

*Ben., Appt., Cir. No. 8 A., of 3-5-1881, to Commrs.*

In continuation of circular No. 5 C.S., dated the 26th April 1875, I am directed to say that, as delay necessarily occurs

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### Character Reports.

in the submission, through Commissioners of Divisions, of the reports received from covenanted Civilians and Deputy Magistrates and Deputy Collectors of their making over and receiving charge of their offices when they proceed on, or return from leave, or are transferred from one appointment to another, such reports should in future be submitted direct to Government by the officers concerned. District Officers will be held responsible for seeing that the reports of their subordinates are promptly despatched, and that copies are forwarded to the Commissioner for his information. They should insist on the reports made to themselves by their subordinates containing a note to the effect that a report has been forwarded direct to Government.

2. I am to request that these orders may be communicated to all officers subordinate to you.

### Character Reports.

#### Dates by which Confidential Character Reports on Officers should be submitted.

40.

*Ben., Genl., Res., No. 517, of 21-1-1923.*

READ—

Circular No. 12 T. R., dated the 14th June 1910, to all Commissioners of Divisions, and letter No. 853 T.--R., dated the 14th June 1910, to the Secretary to the Board of Revenue, Lower Provinces, Land Revenue Department, inviting an expression of their views on a proposal for the abolition of the Miscellaneous Annual Report; and the replies of Commissioners and the Board of Revenue.

Read also—

The late Eastern Bengal and Assam Government letters Nos. 432-36 E., dated the 22nd February 1909, to all Commissioners of Divisions in Eastern Bengal and Assam.

The feasibility of discontinuing the Miscellaneous Annual Reports of Commissioners of Divisions has been under the consideration of Government. An examination of the report discloses that, of the subjects dealt with, information with regard to most is either procurable from other sources or of no practical value. In a few cases the matters dealt with



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### Character Reports.

are of special interest to one or other of the departments of Government, but in these cases all that is necessary is the submission of separate reports on such subjects, or the incorporation of paragraphs dealing with them in one of the existing annual reports. Having regard to these facts, and after consulting the Board of Revenue and Divisional Commissioners, Government are pleased to direct the discontinuance of the Miscellaneous Annual Report. As regards those subjects on which reports are still required, the chapter dealing with "The Relations between Landlords and Tenants" (head XXXVI) should be included in future in the Land Revenue Administration Report. A separate report dealing with the chapter on the "Employment of Muhammadans" (head XXXI) with the statement (Appendix XXXI) connected therewith should be submitted annually to the Appointment Department of this Government. Orders will shortly issue from that department as to the form in which the report should be submitted. A separate report should also be submitted annually to the Appointment Department of this Government with regard to the "Attendance of Honorary Magistrates and the Work of their Courts" (head XXXV) as soon after the 31st December as practicable. The statement showing the criminal work disposed of by Honorary Magistrates and Benches, which forms Appendix XII to the Miscellaneous Annual Report, should also be submitted with this separate report; but the return of attendance of Honorary Magistrates (Appendix XVI) is not required, and will in future be discontinued. The Appointment Department should similarly be furnished separately with the annual statement on the character of officers by the 30th April at latest.

ORDER.—Ordered that copies of this resolution be forwarded to all Commissioners of Divisions for information and guidance and to the Secretary to the Board of Revenue, the heads of departments, all departments of this Government, Director-General of Commercial Intelligence and the Assistant Manager of Forms, Bengal, for information.

41.

*High Court's letter No. 522 of 9-10-1914.*

I am directed to refer to your letter No. 1803 J., dated the 9th April 1914, and to forward herewith, for the information of the Government of Bengal, a copy of the Court's general

## APPOINTMENTS.

### Character Reports.

letter No. 8, dated the 9th September 1914, and of its enclosure, circular order No. 4 (Criminal, of 1914), regarding the submission of reports on the judicial work of Subordinate Magistrates direct to Government by District Magistrates and Sessions Judges by the 1st March each year

*Letter No. 8, dated the 9th September 1914, from the Officiating Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side, to the Sessions Judges, District Magistrates and Deputy Commissioners.*

With reference to the accompanying circular order No. 4 of 1914, I am directed to say that your special report on the qualifications and official merits of the Subordinate Magistrates, which has hitherto been submitted to the High Court, should, in future, be submitted to the local Government direct not later than the 1st March each year.

*Circular order No. 4 of 1914 (issued by authority of the High Court of Judicature at Fort William in Bengal).*

Cancel rule 41 and the "note" thereto, chapter IX, pages 224-225, Volume I, of the High Court's General Rules and Circular Orders. Criminal.

### Submission of annual reports on officers.

**42.**

*Ben., Appt., Nos. 7749-53 A., of 30-7-1923, to Commrs.*

I am directed to address you on the subject of submission by District Officers of annual reports on officers of the Bengal Civil Service (Executive) and Subordinate Civil Service employed under them.

2. These reports containing the opinion of their immediate superiors are of great use to Government in forming an estimate of the capacity and character of officers of these services and are particularly helpful in deciding questions relating to their confirmation and promotion and in selecting officers for special posts. It has, however, been noticed that these reports which have so important a bearing on an officer's career are often so brief that it is difficult to come to any definite conclusion as to the merit or demerit of a particular officer, while in some cases, Government receive no information

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### Character Reports.

for a period of several years about an officer except that he left the district before the District Officer arrived. In the circumstances, I am to ask that the importance may be impressed on Collectors of making their reports on each officer such as to indicate clearly his merits or defects. Under the standing orders contained in rule 40 of the Board of Revenue's Miscellaneous Rules each Commissioner and Collector is required, when delivering charge of his office, to furnish to his successor a memorandum of his opinion of the official character and conduct of his subordinates. I am to request that the procedure laid down in this rule may be invariably observed, and the same principle applied in the case of the judicial reports which are annually submitted to Government. If a District Officer leaves his district when as much as six months of the year for which the next report is due has elapsed, he should record his opinion on all the officers serving in the district in the prescribed forms and hand them over to his successor.

3. I am also to refer to the adverse remarks about circle officers voiced last year in the Bengal Legislative Council, which will be found at pages 302-306, Volume VIII of the Proceedings of that body. Government recognise that many circle officers are doing very good work and are popular, that others many unavoidably render themselves unpopular with a certain section of the public by performing their duty, but there are a few who by want of tact tend to give all a bad name with the public. Government desire that where this is not being done already, District Officers should visit some unions with each circle officer, so as to be able to instruct him in his work and satisfy themselves as to how he is doing his work and getting on with the people residing in his circle. I am to request that these orders may be communicated confidentially to the District Officers in your division.

### 43.

*Ben., Appt., Nos. 856-60 A.—D., of 18-5-1925, to Commsrs.*

I am directed to refer to rule 40 of the Board of Revenue's Miscellaneous Rules, which requires a Collector or Commissioner, when making over charge of his office, to leave a memorandum for the annual report of his opinion of the official character and conduct of his subordinates to the date of his quitting office. In this Government circular Nos. 7749-53 A.,

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### District Staff.

dated the 30th July 1923, the attention of Commissioners of Divisions was drawn to this rule, and it was added that if a District Officer left his district when as much as six months of the year of report had elapsed, he should record his opinion on all the officers serving in the district in the prescribed forms and hand them over to his successor. Instances have recently come to the notice of Government in which the above orders have not been strictly followed. The omission causes great inconvenience to Government in appraising correctly the merits of its officers, and it is also unfair to the officers concerned that no record of the opinions of their superior officers on the work done by them during a considerable portion of the year should be available. The Governor in Council therefore requests that you will observe the rules on the subject in future, and see that they are also strictly observed by the District Officers in your division.

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#### Sub-Deputy Collectors to keep horses.

44.

*Ben., Appt., Nos. 3174-82A., of 10-5-1898, to Commrs.*

A question having been raised by a Collector whether there was any order requiring a Sub-Deputy Collector to keep a horse the Government of Bengal referred the Commissioners to paragraph 10 of the Circular No. 4J.—D., dated 15th October 1891, which ran as follows :—

10. *Horses and boats to be kept by Subdivisional Officers and others.*—There are reasons to believe that many Subdivisional Officers keep neither horses nor boats. The Lieutenant-Governor cannot allow this state of things to continue, as it must interfere with the performance of an important branch of the duty of these officers. He desires that the names of all such officers in your Division may be reported in your next Administration Report. In the meantime, you should warn all officers who have to camp out to keep at least one horse in dry districts, and a boat for six months of the year in those districts in which extra travelling allowance is granted on account of the necessity of travelling by water.

The Bengal Government ruled that it was the intention of Government that Sub-Deputy Collectors should be included in the words "all officers" used in that paragraph; and at a later

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date (*vide* Bengal Government, Appointment Department. No. 3549 A., of 11th July 1898, to Commissioner, Chittagong), that the fact of an officer having a bicycle did not dispense with the necessity for his keeping a horse.

### Confidential Note-books to be maintained by District and Subdivisional Officers.

45.

*Ben., Genl., Cir., No. 28, of 3-10-1879 to Commrs.*

It has been brought to the notice of the Lieutenant-Governor that the Government of the Punjab have recently issued an instruction that every officer who has been in charge of a district for more than a year shall, on quitting it, record a carefully drawn and exhaustive Memorandum on all points of importance for the information of his successor.

2. Sir Steuart Bayley believes that many District Officers in Bengal prepare such a Memorandum spontaneously; but he has reason to think that this is not the invariable rule, and that much is frequently lost to an officer taking charge of a district for the first time owing to the neglect of his predecessor to place on record, in a connected form, some information regarding pending questions and the most prominent features of the district administration. The Lieutenant-Governor is unwilling to prescribe any hard-and-fast rule in this matter, but he thinks it well to remind all officers of the great advantage of such a record to a District or Subdivisional Officer new to his charge. The Memorandum, besides dealing with all important pending questions, might embrace such of the following subjects as present any special features of interest: the working of the police; the portions of the district notorious for any special crime; the village or tracts in which bad characters are most numerous, or in which gangs of dacoits are believed to exist; the character and organization of the rural police and the village watch; the incidence of the land revenue; the system of tenures; the indebtedness of landowners, their relations with their ryots and among themselves, and their attitude towards the authorities; the requirements of the district in respect of communications, the schemes which have been considered for meeting them, and the probability of early completion; any special industry

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and its prospects; data concerning wards', attached, or Government estates; any points of importance regarding stamps, excise and other departments of miscellaneous revenue, or regarding registration and education; municipalities and the working of municipal and district committees; special liability of any tract to inundation or to drought; embankments and irrigation; pressure of population in different portions of the district; the distribution of crops; the import and export trade of the district.

3. As has already been said, Sir Steuart Bayley will not prescribe any rule to be rigidly observed; but he desires to impress strongly on all officers the value of Memoranda of this nature in enabling an incoming officer to obtain a general view of the condition of his charge, without consulting voluminous reports at every turn, and in preserving some continuity in the administration of the district or subdivision.

46.

*Ben., Genl., Cir., No. 42, of 25-11-1908, to Commrs.*

I am directed to invite your attention to Government Circular No. 28, dated the 3rd October 1879, which dealt with the question of the preparation by District Officers leaving their districts of Memoranda for the information of their successors.

Enquiry has shown that in many instances either no Memorandum is left by a relieved District Officer for his successor or else that notes so left are of little value owing to the haste in which they are prepared. The result of this is that officers coming to a new district are frequently left uninformed on matters of importance, and the general administration suffers owing to want of continuity.

2. With a view to securing such continuity, the Lieutenant-Governor desires that in future every District and Sub-divisional Officer shall maintain a confidential Note-book which should be confined to confidential subjects and to matters which find no place in the office files. This Note-book should be passed on by each officer to his successor. It is not necessary to prescribe any definite list of subjects to be dealt with in it, but Statement A appended to this Circular may serve as a guide. In addition, every officer before making over charge should draw up for his successor a Memorandum of pending matters of importance, giving references where possible to the files concerned.

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### District Staff.

#### STATEMENT A.

- (1) Arms Act. Working of—.
- (2) Bar. Character of leading members of—.
- (3) Darbaris. Description of—and other leading men.
- (4) Gazetted officers. Characters of—.\*
- (5) Honorary Magistrates.
- (6) Indigo planters and other European residents.
- (7) Landlords. Characteristics of—and relations with tenants.
- (8) Ministerial officers. Characters of—.\*
- (9) Municipalities.
- (10) Office. Condition of—and questions pending in—.
- (11) Persons capable of advising and assisting in religious disputes. (Ben. Pol. Nos. 15-19 of 6-5-1925.)
- (12) Police and crime.
- (13) Political movements.
- (14) Schools and colleges.
- (15) Thanas. List of—.
- (16) Trade. External and internal—.
- (17) Veterinary institutions. Work of—.
- (18) Village sanitation.
- (19) Wards' estates.

### Appointment of officers to District and Subdivisional charges in emergent cases.

**47.**

*Ben., Appt., Nos. 4329-4333 A., of 1-4-1925, to Commrs.*

Instances have come to the notice of Government in which in emergent cases Commissioners and District Magistrates have appointed officers to district and subdivisional charges without previous intimation to Government, with the result that

\* In Government order No. 7749-53A., of 30th July 1923, to Commissioners, it was directed that the orders contained in Rule 40 of the Board of Revenue's Miscellaneous Rules should be invariably followed and the same principle applied in the case of the Judicial reports which are annually submitted to Government. "If a District Officer leaves his district when as much as six months of the year for which the next report is due has elapsed he should record his opinion on all the officers serving in the district on the prescribed forms and hand them over to his successor."

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the fact has not come to the knowledge of Government till long after the appointments have been made and been given effect to. All appointments to such charges must be made by the Local Government. I am therefore to request that whenever any such temporary appointment in an emergency is found necessary a report may immediately be sent to Government by telegram to permit of the necessary notification being issued by the date on which the officer appointed takes over charge of his duties.

I am to request that these instructions may be communicated to all officers concerned for careful observance in future.

### Employment of Sub-Deputy Collectors as Circle Officers.

**48.**

*Ben., Appt., Nos. 1636-1640 A.—D., of 20-9-1923, to Comms.*

I am directed to refer to the correspondence ending with your letters Nos. 399 J.G., dated the 12th June 1923; 51 R.G., dated the 19th June 1923; 2566J., dated the 11th June 1923; 1944G.—III-36, dated the 16th May 1923; and 2557J., dated the 10th July 1923; regarding the employment of Sub-Deputy Collectors as circle officers.

2. From the replies received to this office circular Nos. 3296-3300A., dated the 22nd March 1923, it appears that the suggestions made in paragraph 3 for a normal career of a Sub-Deputy Collector have met with general approval. Importance has been attached by several officers to the need for employing a Sub-Deputy Collector on circle work while young in service, in order that he may get accustomed to constant touring. It has also been pointed out that any scheme of normal career of officers of this class depends on the existence of a sufficient number of posts in the general line.

3. After a careful consideration of the views expressed, the Governor in Council is of opinion that it is not possible in the present conditions to lay down a system which can be strictly adhered to. The Governor in Council has therefore decided to leave this important question of the employment of Sub-Deputy Collectors in circle work or in the general line to the discretion of Commissioners of Divisions subject to the condition that all officers should receive adequate training in general duties so



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that they may be useful when they are too old to work as circle officers. In this connection I am to request that the following principles should be borne in mind :—

- (1) No Sub-Deputy Collector should be deputed to circle work until he has completely passed his departmental examinations.
- (2) Before a Sub-Deputy Collector is put in charge of a circle, he must work at least for two months with a selected circle officer.
- (3) When a Sub-Deputy Collector has passed all his examinations, he should ordinarily be employed at once for a period of at least two or three years as circle officer so that he may get accustomed to constant touring.

The question of subsequent employment of a Sub-Deputy Collector is left to you. The Governor in Council desires that records shall be kept of the periods spent by each Sub-Deputy Collector in the division (a) in circle work and (b) in general duty, and that arrangements shall be made to ensure that all officers who are not too old to begin now should undertake circle work. None, even if they have a special aptitude for circle work, should be employed exclusively in such work, but all should do such periods of general duty as can be arranged.

4. The question of the number of posts of Sub-Deputy Collectors necessary for general duties in each Commissioner's Division is intimately connected with the question of the cadre of the Subordinate Civil Service, which is under separate consideration of Government and orders on the subject will be communicated to you in due course.

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#### **Grants of facilities to junior members of the Provincial and Subordinate Civil Services to prepare for their Departmental Examinations.**

**49.**

*Ben., Appt., Nos. 2973-77 A.—D., of 9-9-1920 to Commrs.*

The attention of Government has been drawn to the fact that junior members of the Provincial and Subordinate Civil Services, who have not passed their departmental examinations

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completely, are sometimes employed on special work in the interior of districts, with the result that they do not receive sufficient opportunities to qualify themselves for passing the examinations. Under the scheme recently introduced for the Provincial Civil Service, a Deputy Magistrate and Deputy Collector will receive an increase of pay in the second year of his probation, provided he has passed the lower standard examination, and if he passes by the higher standard in his second year, he is confirmed at the end of it and receives another advance in pay. It is proposed to introduce the same system with regard to the Subordinate Civil Service. In the interests of the officers themselves it is, therefore, necessary that they should be given reasonable facilities to qualify themselves for the departmental examinations as early as possible.

2. The Governor in Council has accordingly decided that officers of the Provincial and Subordinate Civil Services should not be employed continuously away from headquarters stations in the first two years of their service, except in the event of a real emergency such as floods or a cyclone. Such an occasion as Council Elections or a Census may make a call on all available officers in the district for a few days, but care should be taken to curtail as far as possible the duration of the absence of those who have still their departmental examinations to pass. It is to the interests both of Government and the officers themselves that the training stage should be got over quickly, and a fair opportunity should be afforded to all. Where it is necessary to employ away from headquarters officers who have not passed their examinations after the first two years, arrangements should be made to bring them into the headquarters for a recess during the months of April, September and October of each year, and during this time they should be given an opportunity of working for their examinations, and should receive the necessary training.

### **Rules for the Encouragement of the Study of Tribal Languages in Bengal.**

**50.**

*Ben., Appt., Notn., No. 5429A., of 14-4-1924, and Nos. 5430-5442 A., of same date, to Commrs., etc.*

The following is substituted for Appendix VI to the Rules for the Departmental Examination of Assistant Magistrates

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and others, dated the 14th September 1912 :—

**RULES FOR THE ENCOURAGEMENT OF THE STUDY OF THE TRIBAL  
LANGUAGES IN BENGAL.**

1. Examinations will be conducted in the following tribal languages :—

I	...	...	Santali.
II	...	...	Tibetan.
III	...	...	Nepalese Paharia or Khaskura.
IV	...	...	Tippera.
V	...	...	Maghi.

2. Officers of the following classes, whether European or Indian, shall be eligible to appear at these examinations and draw the rewards stated :—

*Class I.*

Members of the Indian Civil Service.

Members of the Bengal Civil Service (Executive).

Superintendents, Assistant and Deputy Superintendents of Police.

Deputy, Assistant, Extra Deputy and Extra Assistant Conservators of Forests.

Executive, Assistant Executive and Assistant Engineers.

Members of the Indian or Bengal Educational Service.

Superintendents of Excise and Salt.

The rewards for officers of class I are as follows :—

Rupees 1,000 in the case of all the languages specified, except Nepalese Paharia, for passing in which the reward will be Rs. 500 only. In the case of Tibetan the reward will be Rs. 500 for passing the first examination as in rule 6, and Rs. 1,000 for passing the second as in rule 7.

*Class II.*

Members of the Subordinate Civil Service.

Inspectors and Sub-Inspectors of Police.

Civil and Military Assistant Surgeons.

Members of the Subordinate and Lower Subordinate Educational Services.

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- Overseers and Upper Subordinates of the Public Works Department.

Inspectors and Sub-Inspectors of Excise and Salt.

The rewards for officers of class II are as follows :—

For officers whose salary is Rs. 150 or over, half the amount prescribed for class I.

For officers whose salary is less than Rs. 150, one quarter of the amount prescribed for class I.

3. An officer desiring permission to appear at an examination shall apply for permission to the Commissioner of the Division in which he is serving. The Commissioner may grant permission to appear at an examination in Santali, Tibetan or Nepalese Paharia or Khaskura provided that he can certify that the language is spoken within the district where the officer is employed at the time, or by tribes conterminous to it with whom he has official relations. Permission to appear at an examination in Tippera may be granted only to an officer who is employed in the Chittagong Hill Tracts, and permission to appear at an examination in Maghi only to an officer who is employed in the Chittagong Hill Tracts or in the Cox's Bazar subdivision of the Chittagong district :

Provided that an officer who has fulfilled the above conditions and is subsequently transferred may be permitted to present himself for examination on applying within one year from the date of such transfer, the Commissioner of the Division from which he was transferred granting the necessary certificate.

4. No reward will be given to an Indian officer for passing an examination in any language with which, from his birth or education, he is naturally familiar or which is closely allied to his vernacular language, provided that such officers may be permitted to present themselves for examination.

5. The examinations will be conducted under the control of the Commissioners of the Burdwan, Rajshahi and Chittagong Divisions, as noted below, by local committees convened by the respective Commissioners :—

Commissioner of Burdwan—Santali.

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Commissioner of Rajshahi—

Tibetan.

Nepalese Paharia.

Commissioner of Chittagong—

Tippera.

Maghi.

The examination in Tibetan and Nepalese Paharia or Khas-kura will be held twice a year only, *viz.*, in the months of June and December, and the dates will be fixed by the Commissioner of the Rajshahi Division.

Applications for permission to appear at these examinations should reach the Commissioner by the 15th December in the case of the June examination and by the 15th June in the case of the December examination.

6. The tests which a candidate must undergo are as follows :—

- (a) He must be able to converse freely with the people of the tribe, in whose vernacular he may wish to qualify, to understand and to make himself understood by them.
- (b) He must write down sentences spoken in the tribal language by one of the tribe, or a conversation held between two of them, and must explain the sentences or the conversation correctly in English.
- (c) He must, without assistance, translate from English or his mother-tongue into the tribal language sentences not of a more difficult nature than those described in clause (b).

The translation must be substantially correct and intelligible to a native in whose language it is written.

*N.B.*—The writing prescribed in clauses (b) and (c) must be in the character of the tribal language. If the language has no written character of its own, the English, Bengali or Hindi character shall be used, but in the case of Santali the Roman character must be used.

- (d) He must transliterate and translate (into English) a paper in the current written (not printed) character of the language. (This test will be enforced only in the cases of those languages which have written characters of their own.)

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7. There will be a second examination in the Tibetan language. This examination will consist of—

- (a) a much more severe conversational test than in rule 6 (a),
- (b) writing letters in Tibetan,
- (c) translating Tibetan letters.

An officer must have passed the first examination before he can present himself for the second examination.

8. In order to qualify for the prescribed reward, an examinee must obtain not less than two-thirds of the marks allotted to each branch of the examination and three-fourths of the aggregate number.

9. The Commissioner conducting examination will report to Government the names of officers declared by the Examining Committee to have passed the prescribed standard for the grant of reward.

**Examination of European ladies in the Vernaculars.**

**51.**

*Ben., Appt., Notn., No. 1781 A., of 21-2-1920.*

In supersession of the rules published in notification No. 6162A., dated the 24th November 1917, the following rules regarding the institution of examinations in the vernaculars for European ladies are published for general information. The rules will come into force from the date of this notification. The object of this examination is to encourage European ladies to acquire a better knowledge of the vernaculars of this province:—

1. The examination will be held in the Hindustani and in the Bengali languages and will be conducted by the Board of Examiners, Calcutta.

2. The examination will be open to European ladies who are the wives, daughters, or sisters of gazetted officers of Government, both Civil and Military.

3. Successful candidates will be furnished with diplomas from the Examiners. Their names will be published in the *Calcutta Gazette*.

4. Examinations will be held half-yearly on the first Monday of March at Calcutta and on the last Monday in

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September at Darjeeling. The exact time and place of the examination will be notified by the Secretary, Board of Examiners, to intending candidates.

5. Candidates for examination should apply to the Under Secretary, Appointment Department, Government of Bengal, at least a month before the date of examination.

6. The examination consists of two parts, one colloquial and the other, written in the vernacular script. The former is the “Ladies’ Vernacular Examination—Colloquial” and the latter the “Ladies’ Vernacular Examination—Written”. The reward for passing each test is Rs. 100, but if the two parts are taken up together the candidate is eligible for a reward of Rs. 200 for passing both the tests. A candidate who passes in one test on one occasion is permitted to earn a second reward by passing the other test on another occasion.

The colloquial part consists of—

- (i) *Vivâ voce* translation into the vernacular of English sentences, read out by the Examiner.
- (ii) *Vivâ voce* translation into English of sentences in the vernacular, spoken or read out by an Indian.
- (iii) Conversation with an Indian in the vernacular on subjects mentioned by the Examiner.

An aggregate of 75 per cent. of marks is required to pass. The written part consists of—

- (i) Written translation into the vernacular of a paper of English sentences ... 1 hour.
- (ii) Written translation into English of a paper of sentences in the vernacular ... 1 ..

Sixty per cent. of marks in each paper is required to pass.

7. No text-books are prescribed for these examinations. The following works are recommended for the guidance of candidates in their studies. These can be obtained from Messrs. Thacker, Spink & Co., Calcutta, and principal book-sellers:—

#### *Hindustani.*

For the “Ladies’ Vernacular Examination—Colloquial”—  
 Abdul Hakim’s “Modern Colloquial Hindustani”.  
 Price, Rs. 2.

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Colonel Phillot's "Domestic Hindustani". Price Rs. 1-12.

Thakardass Pahwa's "Modern Hindustani Scholar or The Pucca Munshi". Price Rs. 10.

For the "Ladies' Vernacular Examination—Written"—

"Phul," a child's weekly magazine, published weekly by Maulvi Syed Mumtaz Ali, Railway Road, Lahore. Subscription yearly Rs. 3-8.

Khowab-o-Khayal, Part II—Selections from the Rusumi-i-Hind or Customs of India. Price Rs. 3.

Translation of the same. Price, Rs. 4-11.

### *Bengali.*

For the "Ladies' Vernacular Examination—Colloquial"—

(1) Any Easy Introduction to Colloquial Bengali (in Roman character), by J. A. Macdonald and H. K. Ganguli. Price Rs. 2.

(2) Bengali Manual by G. F. Nicholl. Price Rs. 5-10.

(3) A Manual of Bengali and Hindustani sentences (in Roman character), by Rai Sahib Nibaran Chandra Chatterjee. Price Rs. 2-8.

(4) Radha Rani (a Romanised edition of a short novel of Bankim Chatterjee), by Rai Sahib Nibaran Chandra Chatterjee. Price Rs. 2-8. [Translations by D. C. Roy and by J. D. Anderson obtainable from principal book-sellers.]

For the "Ladies' Vernacular Examination—Written"—

(1) Svarnalata (a domestic novel), by Taraknath Ganguli. Price Rs. 1-8. [To be had of Messrs. Gurudas Chatterjee & Sons, Book-sellers and Publishers, 201, Cornwallis Street, Calcutta. Translation by D. C. Roy, obtainable from principal book-sellers.]

(2) Subha Vivaha (a book of typical colloquial). Price 12 annas. [To be had of Messrs. Gurudas Chatterjee & Sons, Book-sellers and Publishers, 201, Cornwallis Street, Calcutta.]



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- (3) Wenger's Bengali Grammar, edited by G. H. Rouse, M.A. Price Rs. 4. Published by the Baptist Mission Press, Calcutta. [To be had of Messrs. Thacker Spink & Co., Calcutta.]

8. Sample papers intended to serve as a guide to candidates may be obtained free of charge from the Secretary, Board of Examiners, No. 1, Council House Street, Calcutta.

9. Below are given the names of *munshis* resident in Calcutta who have qualified by the Oriental Teachership Examinations to give instruction in Bengali and Hindustani. Candidates are recommended to apply to one of these for tuition as against teachers who have not so qualified themselves.

### QUALIFIED URDU TEACHERS.

#### Calcutta—

M. A. M. F. Wahhab, Librarian, Calcutta Madrassa, 14, Zakaria Street.

M. A. M. Ubaidur Rashid, B.A., 4, Korabardar Lane, P. O. Wellesley.

M. Abdul Badi, 5, Ramsanker Roy Lane.

M. Abdul Habib Khan, 12, Jamadar Khan Lane, Ballygunge.

M. Abdul Karim Nashtar, 8, Jamadar Khan Lane, Ballygunge.

M. Abdul Wajid, 106, Harrison Road.

M. Akmal Ali Akmal, 25, Nur Ali Lane, P. O. Entally.

M. Azherus Sadain, Teacher, Calcutta Madrassa, 138-1, Karaya Road.

M. Azizun Nabi Khan, 27, Karaya Bazar Road, Ballygunge.

\*M. Badruddin Ahmed, B.A., 3, Elliot Lane.

M. Badru-uz-Zaman, 212-1, Linton Street.

†M. Daliluddin Ahmed, 37, Karaya Bazar Road, Ballygunge.

Teacher whose name is preceded by an asterisk (\*) is considered especially competent to give advanced instruction in the language.

Teachers whose names are preceded by a dagger (†) are out of India.

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M. Hussain Mirza, 4-1, Collin Lane.

†M. Mirza S. M. K. Sultan, B.A., M.F., 11, Colootolla Street.

M. Mohd. Azam, 19, Tiljala 1st Lane, P. O. Ballygunge.

M. Mohd. Gholam Kibriya Ibrat, 17-1, Noorallah Doctor's Lane, Ballygunge.

M. Mohd. Israil Khan, 5, Doctor Karam Hossain Lane, Ballygunge.

M. Mohd. Muslim, 12, Damzen's Lane, Chinapara.

M. Mohd. Quasim Khan, c/o H. A. Rahaman & Co., 44, Lower Chitpur Road.

M. Mohd. Qurban Ali Asri, 7, Onrait 1st Lane, Entally P. O.

M. Nyzamuddin, 12, Damzen's Lane, Chinapara.

M. Rashiduddin Ahmed Khan, 41, Gardner Lane, Entally P. O.

M. Raza Ali Wahshat, M.R.A.S., 2-1-2, Tiljala 1st Lane, Ballygunge.

M. S. E. Haque, 69, Baker Hostel.

M. S. M. Yunus, Baker Hostel, Calcutta Madrassa.

M. Shahabuddin Ahmad Siddiqi, 41, Gardner Lane, Entally P. O.

M. Syed Abu Zafar, 36, European Asylum Lane.

M. Syed Hamiduddin Ahmed, 17-C, Elliot Hostel, Wellesley Square, Calcutta.

M. Syed Nawab Ali, 11, Colootolla Street.

**QUALIFIED BENGALI TEACHERS.**

*Calcutta.*—Babu Suresh Chandra Chatterjee, 6, Muktaream Row, Calcutta.

*Rangpur.*—Babu Mukunda Lal Das Gupta, Kakina, district Rangpur.

**APPOINTMENTS.****Examinations.****Rules for the High Proficiency and Degree of Honour  
Examinations in the Tibetan language.****52.***India, Home, Notn., No. 203 (Edn.), of 20-11-1914.*

The following rules for the encouragement of the advanced study of the Tibetan language are published for general information. They will have effect from the date of this notification:—

I.—The examinations are open to the following classes of officers:—

- (i) Members of the Indian Civil Service, military officers in permanent civil employ, and officers of the Political Department, including military officers in permanent political employ.
- (ii) Members of the Indian Educational Service.
- (iii) Officers of the Imperial Branch of the Indian Police Service, belonging to Bengal and Assam.

II.—The standards of examination and the donations to be given to successful candidates will be as follows:—

High Proficiency—Rs. 2,000, with certificate from the presiding examiner.

Degree of Honour—Rs. 3,000, with diploma from the Government of India.

III.—No candidate will be permitted to present himself for examination in the two standards simultaneously, and there shall be an interval of at least two years between the High Proficiency and Degree of Honour tests. A candidate will, however, have the option of competing for the higher examination without first undergoing the inferior test, but if he passes in the higher test, he will not be permitted to go up afterwards and pass the lower test.

No candidate will be permitted to appear for the High Proficiency examination within one year from his appearance at any previous examination in the Tibetan language for which he has gained a reward.

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IV.—No candidate will ordinarily be permitted to appear more than twice as a candidate at either examination, but if a special recommendation be made by the examiners a candidate will be allowed to appear a third time. No limit of service within which an officer can present himself for either examination is prescribed.

V.—Examinations will be held annually by a local committee, which will be appointed on each occasion by the Government of Bengal. The place and time at which the examinations will be held will also be settled by that Government.

Candidates desirous of attending these examinations should apply through the usual official channels for leave to do so to the Government of Bengal at least three months before the date of examination. Officers attached immediately to the Government of India should apply to the Department of Education through the Department of the Government of India under which they are serving.

VI.—The following are the subjects for the High Proficiency Examination:—

- (1) A paper of grammatical questions.
- (2) Written translation from Tibetan into English. (The Tibetan will be modern Tibetan of not greater difficulty than that in the prescribed text-books.)
- (3) Written translation from English into modern Tibetan.
- (4) Transliteration and translation of a letter or other document in running hand, the Tibetan being modern Tibetan and fairly simple.
- (5) Reading, translation and explanation of passages selected by the examiners from the prescribed books.
- (6) Conversation. (Any recognised dialect, *e.g.*, Lhasa, Tsang, Kham, etc., will be allowed. The candidate to converse freely and fluently on general subjects attaining to a greater proficiency than is required in the existing colloquial examinations. Conversation to be held with both educated and uneducated Tibetans; with the former the honorific language to be used.)

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Candidates to be successful in this examination are required to obtain not less than 60 per cent. of the marks in the aggregate and not less than 60 per cent. in conversation and 35 per cent. in each of the other subjects.

The following are the text-books prescribed:—

- (1) For the current language, “Grammar of Colloquial Tibetan” and English-Tibetan Colloquial Dictionary,” by Mr. C. A. Bell, C.M.G., C.I.E. (published at the Bengal Secretariat Book Depôt, Writers’ Buildings, Calcutta).
- (2) Tibetan Grammar, by Csoma de Koros (published by the Asiatic Society, Bengal):
- (3) Examples of Tibetan letters, translated and transliterated by Mr. E. H. C. Walsh, I.C.S.—Letters 1, 2, 3, 4, 5 and 9 (published at the Bengal Secretariat Book Depôt, Writers’ Buildings, Calcutta).
- (4) Chapter XII of the “Rgya-Chher-Rol-pa,” pages 120—142 of Foucaux’s edition (published at the Bengal Secretariat Book Depôt, Writers’ Buildings, Calcutta).
- (5) Stories I to XXII of the “Appendix to the Pag-sam-Thi-shing,” Fascicule I, pages 1—92 (published in the Bibliotheca Indica Series).
- (6) “She-Rab-Dong-bu,” by Major W. L. Campbell, C.I.E., I.A. (published by the University of Calcutta).
- (7) Chapter VII of the “Nam-thar” of Milaraspa—being leaves 76 to 102, equivalent to about 50 pages (published at the Bengal Secretariat Book Depôt, Writers’ Buildings, Calcutta).
- (8) “A Grammar of the Tibetan language, Literary and Colloquial,” by H. B. Hannah [published by the University of Calcutta (1912)]. (Messrs. Thacker, Spink and Company, Calcutta.)

VII.—The following are the subjects for the Degree of Honour Examination:—

- (1) A paper of grammatical questions.

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- (2) Written translation from Tibetan into English.  
(The Tibetan will be of not greater difficulty than that in the prescribed text-books.)
- (3) Written translation from English into modern idiomatic Tibetan.
- (4) Transliteration and translation of manuscript Tibetan in running hand. (The Tibetan will be of not greater difficulty than that in the prescribed text-books.)
- (5) Translating an English letter, official or otherwise, into formal Tibetan.

### *Oral.*

- (6) Reading, translation, and explanation of passages selected by the examiners from the prescribed books.
- (7) Conversation. (The standard will be the same as for the High Proficiency Examination.)

The following are the text-books prescribed:—

- (1) Tibetan Grammar by Csoma de Kőrös (published by Asiatic Society of Bengal).
- (2) Pag-Sam-Thishing, Chapters LXIV and LXV, Volume II, Fascicules IV and V (published in the Bibliotheca Indica Series).
- (3) Pag-sam Jon-song, Chapters III and IV, pages 176—204 (Presidency Jail Press).
- (4) Kan-gpur, Volume (Da) XI, of Dulwa Section, an account of certain incidence preceding and following the death of Buddha—leaves 598—674 (Bengal Secretariat Book Depôt, Writers' Buildings, Calcutta).
- (5) "So-Sor Thar-pa—The Rules of Monastic Discipline" [Dulwa (Mdo. cha)], forming Volume V of the Dulwa portion of the Kan-gyur (leaves 1—29 and top line of 30). (This book has been edited and

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translated by Professor Satish Chandra Vidyabhusana and published by the Asiatic Society of Bengal. It is available at the Bengal Secretariat Book Depot, Writers' Buildings, Calcutta.)

- (6) A selection from the songs of Milaraspa. (Edited by Dr. Satish Chandra Vidyabhusana and translated by Kazi Dawa Sam-dup. Bengal Secretariat Book Depot, Writers' Buildings, Calcutta.)
- (7) "Buddhastotrasanghra," Volume I, edited and translated by Dr. Satish Chandra Vidyabhusana (published by the Asiatic Society, Bengal).
- (8) Examples of Tibetan letters, transliterated and translated by Mr. E. H. C. Walsh, I.C.S.—the whole (published at the Bengal Secretariat Book Depot, Writers' Buildings, Calcutta).

VIII. The Degree of Honour Examination will be of a searching nature and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency.

IX. Successful candidates for the Degree of Honour will be arranged in two divisions according to the number of marks obtained. For the first division, 80 per cent. of the marks must be obtained in the aggregate, and not less than 60 per cent. in any one paper; for the second division, 60 per cent. must be obtained in all subjects, and not less than 45 per cent. in any one paper. The full reward and diploma will be granted only to candidates passing in the first division, and their names only will be published in the *Gazette of India*. Candidates passing in the second division will be granted half the reward fixed for the first division.

X. A candidate who has passed the Degree of Honour in the first division may appear again in the same test after an interval of five years, and if he passes in the first division, receive half the reward prescribed for that division. A candidate who has passed in the second division may appear again in the same test after an interval of two years, and if he passes in the first division, receive half the original reward prescribed for the first division, as well as the diploma.

NOTE.—English translations of the *r* Nam-thar of Milaraspa, Chapter VII, and of the *m* Gurh Bum (or songs of Milaraspa) have been prepared and are available at the Bengal Secretariat Book Depot, Writers' Buildings, Calcutta. Translations of the *r* Gya-chhre Rol-pa, Chapter XII, and of the *So-Sor* Thar-pa are under preparation.

**APPOINTMENTS.****Examinations.****Encouragement of the study of Oriental languages.****53.***Ben., Appt., Cir., No. 4 A.—D., of 10-10-1900.*

The Lieutenant-Governor attaches great importance to the attainment of proficiency in the vernacular languages of the province, both classical and colloquial, by all officers employed in Bengal: it is obvious that the usefulness of an officer is greatly impaired if he cannot read and understand with ease the colloquial language of the country in which he is employed, and speak it with fluency, while it is difficult to understand the life of the people, or to establish intimate relations with the better classes among them, without some knowledge of their literature, and of the classical languages from which the colloquial has sprung. At the same time he has noticed with regret that of late years very few officers of the Civil Service and the Police have obtained rewards for proficiency in Oriental languages.

2. The Lieutenant-Governor would be glad to see an improvement in this respect, and he hopes that many of the junior members of the Police and the Civil Service will find time to study one or more Oriental languages, and to offer themselves for examination in due course, in accordance with the rules applicable to their case. I am, therefore, directed to forward, for your information, a copy of the accompanying memorandum, which contains the rules of Government on the subject.

3. Every reasonable facility will be afforded you for the prosecution of your studies, and instructions to this effect will be conveyed to the officers to whom you are subordinate.

**Regulations for examination in the Russian language.****54.**

*India, Edn., No. 114 of 24-12-1913. Ben., Appt., Nos. 653-57 A., of 2-2-1914.*

In supersession of the Home Department Notification No. 336, dated the 23rd July 1909, the following revised Regulations under which a limited number of members of the Indian Civil Service, and officers of the Indian Army in civil or political employ (whether temporarily or permanently), will be permitted to present themselves for examination in the Russian



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### Examinations.

language while on furlough are, with the approval of His Majesty's Secretary of State for India, published for information :—

\*1. The Civil Service Commissioners will hold examinations (Final and Preliminary) in London four times a year, commencing on the third Tuesday in January and October, the first Tuesday in April, and the second Tuesday in June. The names of the candidates to be examined must reach the Civil Service Commissioners at least one month before the date fixed for the commencement of the examination. The Preliminary examinations conducted by the Civil Service Commissioners will be held in London only and at the same times as the Final examinations.

2. The syllabus of the examination is as follows :—

#### PART I.—ORAL.

	<i>Marks.</i>
1. Conversation ... ..	60
2. Reading short MS. reports, notes, telegrams, etc., and dictating answers thereto ... ..	20
3. Knowledge of terms relating to administration and Government, including the titles of local officials and the terms of etiquette in dealing with them, also of terms used in travel, to be tested by direct questions, and by oral translation ... ..	20
Total ...	100

#### PART II.—WRITTEN.

4. Translation into English from Russian of unseen passages ... ..	20
5. Translation from English into Russian of unseen passages ... ..	30

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\* Amended by India Government, Department of Education, Notification No. 111, dated 17th July 1914.

**APPOINTMENTS.****Examinations.**

	<i>Marks.</i>
6. Dictation ... ..	10
7. Translation into English of official and private correspondence (manuscript) ...	10
8. Writing a private or official letter in Russian, a <i>précis</i> being given. ...	20
9. <i>Ex tempore</i> translation. A passage in Russian of an ordinary everyday style will be read aloud to the candidate, who will write down his translation of it ...	10
10. <i>Ex tempore</i> composition. An English passage of an ordinary everyday style will be read aloud to the candidate, who will write it down in Russian ...	20
Total ...	120

3. Officers who obtain 8 of the aggregate marks will be noted in their records of service as "1st class Interpreters" in Russian, and those who obtain 6 will be noted as "2nd class Interpreters".

4. Applications for permission to appear at these examinations must be made to the Government of India in the Department of Education at least three months before the dates of the examinations mentioned in rule 1—(a) in the case of an officer directly under the Government of India, through the Department in which he is serving; and (b) by an officer under a local Government or Administration, through the local Government or Administration to which he is subordinate. Applications must not be made to the India Office in London.

5. Such permission will be granted only to those members of the Indian Civil Service and officers of the Indian Army in civil or political employ who seem likely to be employed, before their active service comes to an end, in situations where a knowledge of Russian may be of advantage to the State, and to no one who will not be able to attend the Preliminary examination, and also the Final one, should he proceed to Russia for a course of study, and to return to duty in India, without exceeding the amount of leave which he may have to his credit or which may be admissible to him if subject to the Leave Rules for the

## APPOINTMENTS.

### Examinations.

Indian Army. The Government of India reserve to themselves full discretion to grant or withhold permission in any case.

6. Any officer, of not less than three and not more than twelve years' service, who proves his possession of a sufficient elementary knowledge of Russian by obtaining not less than  $\frac{1}{6}$  of the total marks at one of the Preliminary examinations held by the Civil Service Commissioners, or passes one of the Preliminary examinations in Russian held in India, will be permitted to proceed from England to Russia for a further course of study of the Russian language.

NOTE.—The syllabus of the Preliminary examination is given in rule 19.

7. After passing the Preliminary examination, and receiving permission to proceed to Russia, he must start from England within a fortnight from the date of the India Office letter conveying such permission unless specially authorized to defer his departure. He must on no account start for Russia until he has received a letter of instructions on the subject from the India Office. No officer on leave on medical certificate will be permitted to proceed to Russia under these rules unless reported fit to do so by the India Office Medical Board.

8. On starting for Russia he may be granted an advance of pay not exceeding 35 days' furlough pay and also not exceeding £100. Such advance will only not be granted to an officer who draws his furlough pay from the India Office, and will be recovered in instalments spread over eight months after his arrival in Russia.

9. On his arrival in Russia, he shall report to the India Office his address and the date of his crossing the Russian frontier. Any subsequent change of his address shall likewise be reported.

10. Every officer permitted to go to Russia under these Regulations is required to spend ten months in that country and to present himself for final examination at the first examination held after the end of these ten months.

11. Two months before his Final examination, he shall notify to the India Office the address in England to which his order for examination should be sent by the Civil Service Commissioners.

## APPOINTMENTS.

### Examinations.

12. On his return to England he shall report to the India Office in writing his arrival and the date of his crossing the Russian frontier on his return. If he left India on medical certificate, he shall apply for permission to appear before the Medical Board at the India Office. He shall not leave Russia, either temporarily or permanently, earlier than fourteen days before the Final examination, without obtaining leave of absence for a definite period from the Under-Secretary of State for India.

13. If he succeeds at the Final examination in qualifying to be a first class interpreter in the Russian language, he shall receive a gratuity of £80 and if he qualifies as a second class interpreter under the same conditions he shall receive a gratuity of £40. He will also be granted travelling expenses\* from London to and from St. Petersburg or Moscow, as the case may be. The gratuities shall be paid only in cases where there has been the full term of residence in Russia for the purposes of study. He will also be granted a free passage from England to India unless granted leave on private affairs before returning to India (*see* paragraph 15) and will be treated with retrospective effect† as an entitled passenger to England or to Russia when first proceeding there. No grant on account of travelling expenses shall be made to an officer who fails to qualify to be an interpreter, but he may earn the gratuity, travelling allowance and passages (or payments in

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\*Free first class railway and steamer accommodation and a travelling allowance, while travelling by rail or by steamer when the messing is not included in the cost of the ticket, at the rate of 15s. per night and 3s. 6d. for the last day. When the messing is included in the cost of the sea passage, this allowance is not admissible, but 3s. 6d. is allowed for the journey to the port of embarkation if the distance exceeds 10 miles, and 6s. if the journey necessarily occupies over 10 hours.

† *i.e.* (1) If he came to England from India at his own expense, he will receive as passage allowance at the authorized rate in respect of his voyage to England, and will be provided with a passage to India by the India Office; or, if he took a return ticket on leaving India, he may claim the amount paid for it.

(2) If he came to England from India as a non-entitled passenger on a transport, he will receive a refund of his messing charges and an entitled passage to India.

(3) If he went from India direct to Russia, he will receive a single fare at the British India Steam Navigation Company's rate from the port of embarkation to Port Said and a sum of £30 or £32 in respect of his travelling expenses from that port to Moscow or St. Petersburg, as the case may be, travelling expenses from Moscow or St. Petersburg to London as in the above footnote and an entitled passage from England to India.

In any of the three cases he will be entitled to receive, after returning to India, his travelling expenses from his station to the port of embarkation before starting for England.

## APPOINTMENTS.

### Examinations.

lieu) if he succeeds at any subsequent examination in qualifying to be an interpreter, provided he has not more than 12 years' service at the time of re-examination.

14. An officer may re-qualify as a 1st class interpreter after an interval of five years by passing the oral part of the examination together with an *ex tempore* translation from and into the language. The grant for re-qualification as a first class interpreter will be one quarter of the grant for the original qualification.‡

15. Whether successful or not at the Final examination, he shall rejoin in India within two months from the date on which it began, unless his leave or furlough extends beyond that period. If, however, his leave has been granted under medical certificate, it will be necessary for him as usual to obtain a certificate that he is in a fit state of health to return to his duty.

16. A member of the Indian Civil Service or a Military officer subject to the Civil Leave Rules shall be entitled to count as Indian duty for promotion and pension, but not as service for furlough, the period of ten months spent in Russia. The whole time passed in the course of study and until the date of his return to duty in India, will be treated as part of the furlough taken, and he will be entitled to the usual furlough pay.

17. A Military officer in civil employ, but subject to the Leave Rules for the Indian Army, shall be entitled to count as Indian duty for promotion and pension the period spent in Russia, and to draw for such period the equivalent, at the privileged rate of exchange, of the Indian pay and allowances of his rank, and the half-staff salary of his substantive appointment: provided that if the sterling amount be less than his leave pay under the Leave Rules for the Indian Army, then leave pay shall be allowed. He will be considered as on leave before arrival in Russia, and from the date of quitting Russia until he rejoins his appointment in India, under the conditions of Regulation 15. The period spent in Russia will not be considered as part of the two years' maximum absence from duty allowable under the Leave Rules for the Indian Army.

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†NOTE.—The provisions of this rule do not apply to officers who qualified as Interpreters under previous Regulations.

## APPOINTMENTS.

### Examinations.

18. When an officer who has qualified as an interpreter in Russian under these or previous rules is on leave in England, he may, with the sanction of the Secretary of State for India on the recommendation of the Government of India, be permitted to proceed to Russia to keep up his knowledge of the language; and provided that he remains in Russia at least two months, he will, on his return to London, receive travelling expenses to and from St. Petersburg or Moscow, as the case may be (*see* paragraph 13), and, if desired, he will have his leave extended by two months without prejudice to the advantage accruing under the rules relating to combined leave, if on combined leave.

Application for this privilege should be submitted through the usual channel to reach the Government of India in the Department of Education by 1st December. Officers who have been duly selected but who subsequently desire to cancel their applications, or find they are for any reason unable to proceed to Russia, will be required to notify the fact without delay.

19. The half-yearly Preliminary examinations in India are held in January on the third Tuesday and in June on the second Tuesday; and the names of the officers who are recommended by the Government of India for permission to proceed direct from India to Russia will be communicated to the India Office as soon as the result of the examination is known. The names of the officers who are finally selected will be communicated by the India Office to the Government of India, who will give authority to each officer to take up his residence in Russia, to which country he should proceed about May or November, so as to be on the same footing as the officers of his batch who proceed from England. If more than 18 months have elapsed since an officer passed the Preliminary examination he will be required to undergo a fresh examination before receiving permission to proceed to Russia.

The syllabus of the Preliminary examination is given below :—

#### PART I.—ORAL.

	<i>Marks.</i>
<i>Conversation.</i> —Conversing with reasonable fluency and accuracy on general topics of a simple kind	100

## APPOINTMENTS.

### Extensions of Service.

#### PART II.—WRITTEN.

*Translation.*—Translation from and into  
Russian of simple unseen passages or  
sentences                   ...                   ...                   ... 100

20. An officer proceeding direct from India to Russia should obtain a passport in the ordinary manner from the local Government concerned, and should have the necessary *visa* affixed thereto by a Russian Consular officer in India.

### Ability to speak the vernaculars to be noted in the annual character report of certain officers.

**55.**

*Ben., Appt., Nos. 468-71A,—D., of 6-5-1911, to Commrs. etc.*

The Government of Bengal directed that in the annual report on the character of Assistant Magistrates and European officers of the sixth, seventh and eighth grades, as well as European probationers of the Provincial Civil Service, who may be employed in Divisions and in the Settlement and Excise Departments, special stress should be laid on their ability to speak the vernaculars of the Province, particularly that of the district in which they are employed.

### Extensions of Service.

#### Extension of service of gazetted officers.

**56.**

*India, F. C. Res., No. 305P., of 21-1-1905. Ben., Appt., Nos. 781-89A., of 1-2-1905, to Depts. and Fin. (Fin.) Cir. No. 4F., of 24-3-1905, to all Offrs.*

Under Article 463 of the Civil Service Regulations, Audit Officers are required to submit, on or before the 1st September in each year, a list of officers who will attain the age of 55 years, or whose extension of service expires during the next official year, with a view to consideration whether they should be retired or retained. As it is in the last months of an officer's ordinary service that it can best be judged whether he is still fit for further employment, the existing procedure tends to bring the question under consideration prematurely.

## APPOINTMENTS.

### Extensions of Service.

The Governor-General in Council has accordingly decided that, in the case of gazetted officers under the Government of India, recommendations for extensions of service should not be submitted more than 6 months before the date on which the officer would, in the absence of special orders, retire, and His Excellency in Council recommends a similar course to local Governments and Administrations in respect of gazetted officers subordinate to them.

In the case of non-gazetted officers orders may, as hitherto, be passed on consolidated statements.

### Superannuation Rules.

57.

*Ben., Appt., Cir., No. 10A., of 18-8-1890, to all Offrs. Ben., Appt., No. 228 A.—D., of 1-7-1893, to Dist. Judge, Purnea.*

The Government of India having issued new orders about the delegation of powers in respect of the superannuation of certain classes of subordinates, the Bengal Government issued the following circular to the officers mentioned:—

“ In supersession of this Government Circular Orders No. 5A., dated the 2nd July, and No. 7A., dated the 16th August 1888, I am directed to forward, for your information, the accompanying copy of a resolution of the Government of India in the Department of Finance and Commerce, No. 3382,\* dated the 12th July 1890, and to say that the Lieutenant-Governor delegates to you—

- (1) the power of declaring any non-gazetted subordinate to be efficient and permitting him to remain in the service, provided he continues to be efficient for a definite period up to, but not beyond, the age of 60 years;
- (2) the power of declaring any non-gazetted subordinate to be inefficient and compelling him to retire either at the age of 55 years or on the expiry of any further period up to which his service has been extended, or before the expiry of such further period if he ceases to be efficient. Each such subordinate's case must be taken up when he is 55 years old and on the expiry of each extension of service.



## APPOINTMENTS.

### Extensions of Service.

"The Lieutenant-Governor, however, reserves to himself the right of finally deciding in the event of an appeal, the case of each subordinate who may be compelled to retire under clause (2).

"2. All appeals or other communications that may be made to the local Government on the subject of any order passed in accordance with the provisions of this Circular should be submitted, through the officer who passed the order, to the Secretary in the Department that has executive charge."

Secretary, Board of Revenue.

Commissioners of Divisions.

District Officers.

District and Sessions Judges.

Judicial Commissioner, Chota Nagpur.

Commissioner of Police, Calcutta.

Chief Judge, Court of Small Causes, Calcutta.

Sanitary Commissioner for Bengal.

Inspector-General of Civil Hospitals, Bengal.

Inspector-General of Police, Bengal.

Inspector-General of Police, Chittagong Hill Tracts.

Inspector-General of Jails, Bengal.

Inspector-General of Registration, Bengal.

Superintendent and Remembrancer of Legal Affairs.

Agent to the Governor-General for the Affairs of the late King of Oudh for the purposes of Act XIX of 1887.

Opium Agent, Benares.

Opium Agent, Bihar.

Director of Public Instruction.

Director of the Department of Land Records and Agriculture, Bengal.

Conservator of Forests.

Protector of Emigrants and Superintendent of Emigration, Calcutta.

Collector of Customs, Calcutta.

Superintendent of the Botanical Gardens.

Chief Presidency Magistrate, Calcutta.

Accountant-General, Bengal.

To a reference on the point, the Bengal Government replied that the Circular was applicable to menial functionaries such as peons, chaprasis, etc.

**APPOINTMENTS.****Leave.**

**Extension of service to non-gazetted officers for one year at a time.**

**58.**

*Ben., Appt., Cir., No. 1A., of 14-2-1895, to all Offrs.*

In continuation of Government Circular Order No. 10A., dated the 18th August 1890, empowering you to declare any non-gazetted subordinate to be efficient, and to permit him to remain in the service, provided he continues to be efficient for a definite period up to the age of 60 years, I am directed to say that such extensions of service should not be granted for more than one year at a time, and that no extension of service beyond the age of 60 years can be given except by Government.

**Leave.**

**Notice required in all cases of leave except on urgent private affairs or on medical certificate.**

**59.**

*Ben., Appt., Nos. 857-64 A.—D., of 2-6-1911, to all Offrs. and to Depts.*

It has been decided that, except in the case of leave on urgent private affairs or on medical certificate, an officer should not be considered as having a claim to leave unless he has given at least three months' notice of his intention to apply for it. I am accordingly directed to request that you will be so good as to impress upon all officers subordinate to you the necessity of giving the required notice in future in all cases of leave except leave on urgent private affairs or on medical certificate.

**Applications for furlough by officers within short time of their nomination to hold high appointments.**

**60.**

*India, Fin., No. 1830, of 2-5-1892. Ben., Appt., Cir., No. 6A., of 16-6-1892, to all Offrs.*

I am directed to forward copy of the following correspondence (not printed), which has passed between Her Majesty's Secretary of State and the Government of India, regarding

**APPOINTMENTS.****Leave.**

applications for furlough by officers within a short time of their nomination to hold high appointments:—

From the Secretary of State, No. 16 (Financial), dated the 22nd January 1891.

To the Secretary of State, No. 182, dated the 7th July 1891.

From the Secretary of State, No. 236, dated the 3rd December 1891.

2. With reference to this correspondence, the Governor-General in Council is pleased to rule that an officer in civil employ (including a military officer in civil employ), who accepts a high appointment, will in future be understood to forego the intention applying for ordinary furlough during the two years immediately following his appointment except under special circumstances. The Local Government or Department which ordinarily grants the leave is authorised to decide in each case whether the special circumstances are or are not of such a nature as to justify a relaxation of the rule.

**Disposal of applications from Military officers in Civil employ for combined leave.**

61.

*India, F. C. No. 4586P., of 28-7-1904. Ren., Appt., Nos. 3343-50A., of 20-7-1904, to Depts.*

It has been brought to the notice of the Government of India that considerable inconvenience and delay occur in the disposal of applications from Military officers in civil employ, who are subject to Military Leave Rules, for privilege leave combined with furlough or other leave, under the provisions of Note 2 to Article 606, Civil Service Regulations. The existing procedure is for the Civil Accounts Officer concerned to report on the applicant's title to privilege leave under the Civil Rules, and for the Military Accounts Officer to report on his title to the furlough or other leave under the Military Rules.

2. The Government of India have decided, with a view to preventing the delays complained of, that in future applications for combined leave from officers of the class abovementioned should be submitted through the Civil Accounts Officer

**APPOINTMENTS.****Leave.**

who audits the officer's salary, and that the Civil Accounts Officer should report on the title to the combined leave after consulting the Controller of Military Accounts in charge of the officer's record of pension and service.

**Cancellation of unexpired portion of leave.****62.**

*Ben., Appt., Nos. 5973-6032A., of 3-9-1908, as modified by Cir., No. 7A., and Nos. 7284-98A., of 22-12-1910, to all Offrs.*

I am directed to state, for your information and for communication to the officers subordinate to you, that no order of Government is necessary to cancel the unexpired portion of the leave of an officer who returns to duty before the expiry of his leave, except when he is on long leave, and returns to duty more than fourteen days before such expiry. In other cases it will be sufficient merely to send a report to the Accountant-General, Bengal, informing him of the date and hour of the officer's return from leave.

**Applications for extension of leave.****63.**

*Ben., Appt., Cir., No. 1A., of 15-1-1904, to Commrs.*

Grave inconvenience and much unnecessary correspondence is frequently caused by officers on leave in India neglecting to give previous notice of their intention to apply for an extension of leave at a reasonable period prior to the date of their return to duty. The Lieutenant-Governor has accordingly found it necessary to direct that no application for an extension of leave in India will be considered unless it is received in the Secretariat at least ten days prior to the date on which the leave expires, or is accompanied by a certificate from the Civil Medical Officer of the district in which the officer on leave may be residing, to the effect that the applicant is suffering from illness of such a nature that his immediate return to duty is impossible or highly undesirable.

**APPOINTMENTS.****Leave.****Absence after termination of leave.****64.***Ben., Appt., Nos. 140-44 A.—D., of 13-5-1924, to Commrs.*

I am directed to request that you will draw the attention of all officers serving in your division to Fundamental Rule 73 which recites the consequences to which an officer renders himself liable by remaining absent after the end of his leave. From cases which have occurred it appears that officers are under the impression that if they submit an application for extension of leave no penalty will be exacted if they do not rejoin on the due date, although they have received no orders extending their leave or their application may not even have reached the sanctioning authority. It is unnecessary to point out the public inconvenience which is caused by the absence of an officer without the knowledge of the authority responsible for sanctioning his absence and for providing for the discharge of his duties, and I am to say that in future the penalties prescribed by the rule will ordinarily be enforced.

**Disposal of current work during the absence of Sessions  
Judges on vacation leave.**

**65.***Ben., Judl., No. 2335 J.—D., of 3-9-1902, to Dist. Judges.*

In continuation of the communication from this office, No. 409 J.—D., dated the 8th September 1892, I am directed to forward herewith a copy of a letter from the High Court, No. 2544, dated the 28th August 1902, and to say that the Lieutenant-Governor will be willing to give effect to the suggestions of the High Court, if Sessions Judges can arrange among themselves in accordance therewith and will give timely notice to Government.

*Letter No. 2544, dated the 28th August 1902, from High Court.*

I am directed to address you, in continuation of the Court's letter No. 2168, dated the 12th August 1892, on the subject of the arrangements to be made for the performance of the duties of a Sessions Judge who is permitted to absent himself during the Civil Court vacation.

## APPOINTMENTS.

### Leave.

2. Since the issue of that letter, circumstances have altered in two respects. The necessity which has arisen in recent years for rendering the Judicial Service more attractive has been prominently brought to notice; and it has been laid down in the despatch No. 18 from Her Majesty's Secretary of State, dated the 27th April 1899, that the obstacles then interposed to the enjoyment by District and Sessions Judges of the usual Civil Court vacation should be removed as far as possible. Moreover, under the provisions of section 9, clause 4, of the Criminal Procedure Code, 1898, it is now possible for a Sessions Judge, appointed to be also Additional Sessions Judge of another division, to sit for the disposal of cases at such place or places in either division as the local Government may direct.

3. In order that District and Sessions Judges may be enabled to take advantage as fully as possible of the concessions which have been made to them by Government, the Judges, I am to say, will be prepared to approve of the grant of vacation leave to a District and Sessions Judge on the following conditions:—

- (i) Every District and Sessions Judge, before applying for such leave, must arrange with the District and Sessions Judge of another district that the latter shall undertake the disposal of any criminal business requiring attention which may arise in his district during the vacation.
- (ii) One District and Sessions Judge may be appointed in such cases to be Additional Sessions Judge of one or more sessions divisions in addition to his own.
- (iii) A Sessions Judge so appointed may, under section 9, clause 4, of the Criminal Procedure Code, sit for the disposal of cases arising within any of the sessions divisions of which he is in charge at such place or places in either or all of such divisions as the local Government may direct. It will be left to his discretion to dispose of applications and appeals at any prescribed place, either within or without the sessions division to which they relate, according to the necessities of the case.

### Making over and receiving charge of office in case of leave combined with vacation.

66.

*India, Home, Nos. 724-31, of 23-5-1905. Ben., Appt., Cir., No. 1743A.—D., of 19-6-1905, to Dist. and Sessions Judges and D. P. I., Ben.*

With reference to the correspondence ending with your letter No. 3683A.—D., dated the 7th October 1904, I am directed

**APPOINTMENTS.****Leave.**

to state that the Governor-General in Council is pleased to direct that the following procedure shall be adopted in making over and receiving charge of office in the case of officers who are permitted to combine vacation with long leave under article 277 of the Civil Service Regulations:—

- (a) When vacation is prefixed to leave the outgoing officer will report, before leaving headquarters, that he makes over charge with effect from the end of the vacation. The relieving officer will then take over charge at the end of the vacation in the ordinary way.
- (b) When vacation is affixed to leave the officer to be relieved will make over charge in the ordinary way before the vacation, the incoming officer on return at the end of the vacation taking over charge with effect from the beginning of the vacation.

The above concessions are subject to the condition that if, in consequence of the absence during vacation of an officer whose leave is governed by article 277 of the Civil Service Regulations, it is necessary to place an officer in charge for the performance of work that may arise during the vacation, such charge must be arranged for without extra expense to the Government.

2. The Governor-General in Council also directs that the procedure indicated above shall be followed in the case of District and Sessions Judges who come within the provisions of article 278 of the Civil Service Regulations.

**Prefixing or affixing holidays to leave.**

**67.**

*Ben., Appt., Cir., No. 3A., and Nos. 3395-3403A. of 21-7-1910, to all Offrs. and to Depts.*

Under the provisions of article 220 of the Civil Service Regulations, an officer is allowed to prefix or affix gazetted holidays to leave, or to affix them to joining time, provided that his departure or return does not involve—

- (i) the immediate transfer of an officer from or to another station, or the loss of his appointment by an officer appointed temporarily to the service; or
- (ii) the taking over of money.

## **APPOINTMENTS.**

### **Leave.**

In the second case, however, the local Government may specially allow transfer of charge to take place before or after the gazetted holidays, subject to the condition that the departing officer remains responsible for the money in his charge.

The officer who so prefixes or affixes gazetted holidays to his leave or joining time ordinarily draws allowances as though he were on duty during the gazetted holidays, but it is left to the local Government, in cases in which the application of this provision is doubtful or inequitable, to decide whether the incoming or the outgoing officer shall be held to have been in charge and to be entitled to the salary of the office during the gazetted holidays.

2. The special orders of the local Government are, therefore, required only if the taking over of money is involved and it is desired to take advantage of the privilege of affixing or prefixing gazetted holidays, or in cases of doubt regarding the distribution of allowances. But in order that Government may be aware of the intention of officers in this respect, and in order to avoid all risk of a station being left without any officer in charge, officers who wish to prefix or affix gazetted holidays to their leave must always state their intention in their application for leave. A space for the purpose will be provided in the printed form of application for leave. It will then be open to Government to refuse the concession, if necessary, or to agree in the special case in which its orders are required.

3. To facilitate the better understanding of the rule, the following explanations of different points are circulated:—

- (a) An officer begins to draw pay and acting allowance from the day on which he assumes charge of the office to which he may have been appointed, or on which he may have a lien. Where, however, the assumption by an officer of an appointment and the rearrangement of appointments and allowances consequent thereon do not involve the transfer of any officer to another station, the formal transfer of charge of money, or the loss of his office by an officer appointed temporarily to the public service, he may, if his leave (or the joining time between his appointments) ends on a Sunday or gazetted holiday, take charge before noon of the first working day after such Sunday or gazetted holiday. In all other



## APPOINTMENTS.

### Leave.

cases, should he fail to take charge on or before the expiry of his leave or joining time, the officer who may have been in charge of the office between the time the leave or joining time expired and the time of his taking over charge shall be held to have been in charge, even though the intervening period consisted of a Sunday or gazetted holiday.

- (b) An absentee may affix gazetted holidays to leave if the substitute is transferred on the expiry of the leave so as not to be on duty in the absentee's post during any portion of the gazetted holidays.
- (c) In deciding whether the absence of an officer involves the transfer of an officer from another station for the purpose of article 220 of the Civil Service Regulations, account should be taken only of the substitute who takes the place of the absent officer, and not of all the officers in the chain of arrangements arising from an officer's absence on leave.
- (d) Subject to the assent of the local Government, an officer going on leave may avail himself of the concession allowed by article 220 of the Civil Service Regulations, but his responsibility for the cash balances held by him or his subordinates does not cease till the formal assumption of charge by his successor.
- (e) The handing over of a permanent advance need not be regarded as a transfer of money within the meaning of proviso (ii) to article 220, Civil Service Regulations. (It must be understood, however, that the officer going on leave continues to be responsible for the money till the formal assumption of charge by his successor.)
- (f) The term "gazetted holidays" used in this circular should be held to mean—
  - (1) Holidays prescribed or notified under section 25 of the Negotiable Instruments Act, 1881.
  - (2) Holidays on which by Government notification in the gazettes any public office is ordered to be closed for the transaction of public business.

## APPOINTMENTS.

### Leave.

The term does not include local holidays which may be granted at the discretion of heads of officers, on the last Saturday of the month, on the occasion of local festivals, etc. (*See* rule 207, Board's Rules, 1910).

4. The instructions contained in this circular *supersede* those communicated with the circular of the Government, No. 1A.—D., dated the 11th May 1904.

5. The grant of concessions under article 220 of the Civil Service Regulations will not be notified in the gazette, but intimation of the concession granted (in such special cases as require the orders of the local Government) or refused will be given to the Accountant-General, Bengal.

6. I am to request that these orders may be communicated to all officers subordinate to you for information and guidance.

### Grant of casual leave and permission to leave station during gazetted holidays.

68.

*Ben., Appt., Nos., 732-70 A., of 26-1-1914, to Commrs., etc.*

In supersession of previous orders, I am directed to forward a copy of the rules that have been laid down by Government to regulate the grant of casual leave and of permission to leave a station, district or charge to officers in the Presidency of Bengal as now constituted.

### Rules regulating the grant of casual leave and of permission to leave a station, district or charge during gazetted holidays.

Casual leave is not recognised by the Civil Service Regulations, and an officer absent on casual leave is not treated as absent from duty. The grant of such leave is, however, subject to the conditions specified in the note to article 332 of the Regulations. Government will make no arrangement to supply the place of officers absent on such leave. The officer granting the leave and the officer taking it will be held responsible if the public service suffers in any way from the absence of the officer on casual leave.

2. Casual leave may not be combined with any other kind of leave, and may not extend to more than ten consecutive days in the calendar year. Ordinarily, it may not extend to more than ten days

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### Leave.

in any one calendar year, exclusive of gazetted holidays. If, in exceptional circumstances, the sanctioning authority grants, for urgent special reasons, a few days more than the ten days, the grant, with the reasons, must be reported at once for the information of Government.

If casual leave is taken in extension of gazetted holidays, those holidays must be counted as part of the leave.

3. Casual leave should only be granted for adequate reasons, and cannot be claimed of right or given when the interests of the public service forbid it. The concession of casual leave must not be converted into an unauthorised system of privilege leave. Commissioners and Government officers of all grades must not allow the privilege to be abused.

An officer who takes casual leave when on tour is not entitled to draw daily allowance during such leave.

The officers empowered to grant casual leave may also grant to their subordinates leave of absence during holidays.

In all cases in which the officer asking for casual leave, or for leave of absence during holidays, desires to absent himself from the jurisdiction of the officer empowered to grant the request, this fact must be clearly stated in the application.

4. Commissioners of Divisions require the sanction of Government to casual leave taken by themselves, and should report the grant of it for the information of the Board of Revenue. Other heads of departments likewise require the sanction of Government. The under-mentioned authorities are authorised to grant casual leave to the officers named in the following list. When Commissioners grant leave to District Officers, a report should be sent to the Chief Secretary to Government at the time when the leave is granted, and similarly a report should be sent to the Commissioner when a District Officer grants leave to a Subdivisional Officer:—

#### *Sanctioning authority and subordinate officers.*

Board of Revenue—Secretary, Board of Revenue.

Commissioners of Divisions - Magistrates and Collectors and Deputy Commissioners.

Magistrates and Collectors and Deputy Commissioners—Joint and Assistant Magistrates, Subdivisional Officers and officers of the Executive Branch of the Provincial Civil Service and of the Subordinate Civil Service serving in their districts.

Inspector-General of Police—Deputy Inspector-General of Police.

Deputy Inspector-General of Police—Superintendents of Police, subject to the approval of the District Magistrate.

Deputy Inspector-General, Criminal Investigation Department, Railway and River Police—Superintendents of Railway and River Police, and all gazetted officers of the Criminal Investigation Department.

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Superintendents of Police—Assistant and Deputy Superintendents of Police (subject to the approval of the District Magistrates); non-gazetted officers of the district staff (subject, in the case of Inspectors, to the approval of the District Magistrate).

Superintendents, Police and Constables' Training Schools—The teaching staff (subject, in the case of Inspectors, to the approval of the Deputy Inspector-General of the Range).

Superintendents of Railway and River Police—Assistant and Deputy Superintendents of Police; non-gazetted officers of their staff (subject, in the case of Inspectors, to the approval of the Deputy Inspector-General, Crime, Railway and River Police).

Superintendents of Police, Criminal Investigation Department—Non-gazetted officers of their staff (subject, in the case of Inspectors, to the approval of the Deputy Inspector-General, Criminal Investigation Department).

Inspector-General of Registration—Inspectors of Registration offices. District Registrar—Sub-Registrars.

Inspector-General of Civil Hospitals\*—Civil Surgeons.

Civil Surgeons and Superintendents of Medical Schools—Assistant Surgeons and Civil Hospital Assistants.

Inspector-General of Prisons—Superintendents of Central Jails.

Superintendents of Jails†—Subordinate Jail establishment.

Sanitary Commissioner—Deputy Sanitary Commissioners.

Conservator of Forests—Deputy and Assistant Conservators and Extra Deputy and Extra Assistant Conservators.

Divisional Forest Rangers—Non-gazetted and ministerial officers of the department.

Director of Public Instruction, Bengal—Inspectors of Schools (including Inspector of European Schools); Inspectresses of Schools; Principals of Government Colleges (including the Calcutta Madrasa and the Government School of Art); Principal, Government Commercial Institute and Government Weaving Institute, Serampore; Lady Principal, Bethune College; Lady Principal, Eden High School for Girls, Dacca; Superintendents of Madrasahs and Inspector of Residence of Students, Dacca; Librarian, Bengal Library.

Inspectors of Schools—Inspecting staff subordinate to them [including additional (2nd) Inspectors of Schools]; Head Masters of Institutions (subject to the control of Inspectors).

Deputy Inspectors of Schools—Teachers of Middle (including Circle) and Primary Schools; also Sub-Inspectors and Assistant Sub-Inspectors (subject to report to the Inspectors, or to the District

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\*Empowered to grant casual leave to all officers in the Medical Department up to a limit of fifteen days in a calendar year.

† Empowered to grant any officer (other than a Medical Officer) subordinate to them casual leave not exceeding fifteen days in a calendar year.

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Officer in the case of Sub-Inspectors, etc. (also subject to the limit of ten days in the year on no account to be exceeded).  
 Principals of Colleges and Secretaries to Madras Committees—  
 The staff subordinate to them.

Head Masters of High and Training Schools—Subordinate teachers  
 (subject to report to the Inspectors or the Principal to whom  
 the Head Master is subordinate).

District Officers (subject to report in each case to the Inspector  
 of Schools under whom they are serving)—Deputy and Addi-  
 tional Deputy Inspectors.

Inspectress of Schools. Assistant Inspectresses of Schools.

Principal, Government Commercial Institute—The staff subordinate  
 to him.

Principal, Government Weaving Institute, Serampore. The staff  
 subordinate to him.

Director of Land Records. Settlement Officers and Assistant Settle-  
 ment Officers.

Director of Agriculture. Gazetted officers of the department,  
 including Veterinary officers.

Commissioner of Excise. Inspectors of Excise and other officers  
 of the Excise Department.

Chief Engineer—Superintending Engineers.

Superintending Engineers—Executive and Assistant Engineers.

Superintendent and Remembrancer of Legal Affairs, Bengal—  
 Deputy Superintendent and Remembrancer of Legal Affairs,  
 Bengal, and Public Prosecutor, Calcutta (subject to report to  
 Government and also subject to the limit of ten days in the  
 year)—*Added by Appointment Department No. 4055 A. of  
 17th June 1919.*

Commissioner of Police, Calcutta. Gazetted and non-gazetted  
 officers of the Calcutta Police—*Added by Appointment Depart-  
 ment No. 2500 A. of 21st March 1914.*

Assistant Commissioners of Police, Calcutta—Subordinate officers  
 up to the rank of Assistant Sub-Inspectors—*Added by Appoint-  
 ment Department No. 9811 A. of 19th August 1924.*

Registrar of Co-operative Societies—Subordinate officers—*Added by  
 Appointment Department No. 2501 A. of 21st March 1914.*

5. Municipal officers may be granted leave by the head of their  
 office.

6. Before a Civil Surgeon or a Superintendent of a central jail  
 avails himself of casual leave, he should report to the Commissioner  
 of the Division, through the Magistrate of the district, the period of  
 such leave and the date of his departure. He should also report the  
 date of his return to duty.

7. Superintendents and Assistant Superintendents of Police should  
 forward requests for casual leave through the Magistrate of the district.

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**Leave.**

Should the Magistrate record an objection to the grant of the leave, the leave applied for cannot be granted. If the leave is granted, it will still be necessary that the police officer should take the Magistrate's orders before leaving the district. The Magistrate should invariably inform the Commissioner when he consents to the grant of casual leave being made to Superintendents. District Engineers and District Surveyors should forward their requests for casual leave through the Chairman of the District Board.

8. A District Officer, a Civil Surgeon and a Superintendent of Police, before taking casual leave, should notify to the district office their addresses during the period of such leave.

9. Every authority which grants casual leave shall cause a register of such leave to be maintained in the following form. The register should be regularly examined by inspecting officers:—

*Column 1.*—Name and rank of officer to whom casual leave has been granted.

*Column 2.*—Date on which leave begins and ends.

*Column 3.*—Remarks.

**Leave not exceeding six weeks may be granted by Commissioners to Sub-Deputy Collectors employed on general duty.**

**69.**

*Ben., Appt., Nos. 4822-23 A.—D., of 31-10-1912, to Commrs., Presy. and Burdwan.*

I am directed to inform you that the Governor in Council is pleased to delegate to you, under article 841 (c) of the Civil Service Regulations, the power to grant leave to Sub-Deputy Collectors employed on general duty\* in cases in which the period of leave applied for does not exceed six weeks, provided that you are able to make local arrangements for carrying on the absentee's work during such leave, and to authorise you to publish notifications granting the leave or transferring Sub-Deputy Collectors within the Division in the *Calcutta Gazette* over your signature. Immediate intimation of any leave granted or any transfer made should, however, be sent to Government for information.

Similar powers were delegated to the Commissioners of the Dacca, Rajshahi and Chittagong Divisions by Appointment Department Nos. 4816-18 A.D., dated the 31st October 1912.

\*In Government order Nos. 5330-34 A., of 3rd July 1920, Commissioners were similarly authorised in respect of Sub-Deputy Collectors employed as Circle Officers.

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### Legislative Councils.

**List of Officers, etc., who are permitted to use the title of  
" Hon'ble ".**

**70.**

*India Home, No. 4069 (Public), of 6-12-1920. Ben., Appt.,  
Nos. 8051-6-3 A., of 20-12-1923, to Depts. .*

I am directed to refer to the suggestion in paragraphs 234, 273 and 278 of the Report on Indian Constitutional Reforms that members of the Provincial Legislative Councils and of the Legislative Assembly should no longer enjoy the designation " Hon'ble ", and that this title should be reserved for members of the Council of State.

2. This suggestion is in close analogy with the practice observed in the Dominions, and the Government of India have now decided to give effect to it. I am to enclose, for the information of the Government of Bengal, a copy of the Home Department notification No. 4067 (Public), dated the 6th December 1920, which will issue in the *Gazette of India*, dated the 11th December 1920, containing the orders on the subject.

3. In conformity with the suggestion, the Government of India have further decided that members of the Provincial Legislative Councils and members of the Legislative Assembly should be allowed, by usage, to attach the letters " M.L.C. " or " M.L.A. ", respectively, to their names. These letters will be affixed to the names of such members when they are addressed by the Government of India, and I am to request that, with the permission of His Excellency the Governor in Council, instructions may be issued to secure that this is done when such members are addressed by officers serving under the Government of Bengal.

*Notification No. 4067 (Public), dated the 6th December 1920, by the  
Government of India, Home Department.*

In supersession of all previous orders on the subject, His Excellency the Viceroy and Governor-General is pleased to permit the title " Hon'ble " to be borne during their term of office by the following officers in India :—

- (1) The Members of the Governor-General's Executive Council.
- (2) The President of the Council of State.
- (3) The President of the Legislative Assembly.

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### **Legislative Councils.**

- (4) The Chief Justice and Puisne Judges of High Court.
- (5) The Members of Executive Councils and Ministers in Governor's provinces.
- (6) Residents of the 1st class.
- (7) The Presidents of Legislative Councils in Governor's provinces.
- (8) The Chief Judge and Judges of the Chief Court of Lower Burma.
- (9) Members of the Council of State.

### **Instructions regarding refund or forfeiture of security deposits of candidates for election to the Legislative Councils.**

**71.**

*Ben., Appt., Nos. 3419-3460 A.R., of 4-10-1923, to  
Returning Officers.*

I am directed to refer to rule 12 (1) of the Electoral Rules which lays down that a candidate for election to a Legislative Chamber shall deposit or cause to be deposited with the Returning Officer the sum of Rs. 250 in the case of the Bengal Legislative Council and Rs. 500 in the case of the Legislative Assembly and the Council of State. The money is to be returned to the person by whom it was deposited unless it is forfeited under rule 12 (3), and I am to say that the following procedure should ordinarily be observed in dealing with the money.

**2.** The person tendering the money should, if time permits, be asked to deposit it into the treasury as revenue deposit and then the chalan need only be presented to the Returning Officer. Government paper may similarly be deposited in the treasury and entered in the Register of Government Securities deposited for safe custody (Form 19 of the Government Securities Manual) and the receipt presented to the Returning Officer. In Calcutta cash should be deposited in the Imperial Bank and Government paper with the Controller of Currency and the receipts presented to the Returning Officer. In the case of notes to be deposited at treasuries they should be endorsed in favour of the Treasury Officer. Where notes are to be deposited with the Controller of Currency, they should similarly be endorsed in his favour. The above provision is necessary to obviate any difficulty in the deposit of notes in cases where they will be forfeited to Government. The notes



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will be duly endorsed in favour of the party at the time of return.

3. When an application is made for the refund of the money by the person who has deposited the same, the Returning Officer should satisfy himself that he is entitled to the refund before passing an order to that effect, and in the case of candidates, who are declared elected, that they have taken the oath or affirmation as required by the rules.

4. I am also to say that it is necessary that you should issue a formal order, when the deposit is forfeited to Government.

**72.**

*Ben., Appt., Nos. 5348-5389 A.R., of 1-12-1923, to  
Returning Officers.*

In continuation of this department letter Nos. 3419-3461 A.R., dated the 4th October 1923, I am directed to invite your attention to the provisions of rule 12 of the Bengal Electoral Rules and the Legislative Assembly Electoral Rules for the refund of the deposits made by candidates when filing their nomination papers. I am to point out that an elected candidate is entitled to his refund only after he has taken his oath or affirmation and the fact of his having done so should be ascertained from the Legislative Department of this Government or the Government of India, as the case may be, before passing orders on his application. A defeated candidate is not entitled to a refund unless he has polled more than one-eighth of the total number of votes polled and no candidate is entitled to a refund of more than one deposit. I am to enclose,\* for your information, a list of candidates who have been duly nominated for more than one constituency and to request that when any of them applies for a refund, it should be ascertained from the Returning Officer or officers of other constituencies for which he has been nominated whether he has applied for, or obtained refund of any other deposit before orders are passed. I am to add that when any Returning Officer has satisfied himself on these points and has sanctioned a refund, he should, at the same time, inform Returning Officers of other constituencies for which the applicant has been nominated in order that unnecessary correspondence may be avoided.

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\* Not printed.

**APPOINTMENTS.****Legislative Councils.****73.**

*Ben. Appt., No. 5750 A.R., of 2-1-1924, to Commr., Rajshahi ;  
Nos. 24-28 A.R., of 4-1-1924, to other Commrs., etc., and  
Nos. 97-138 A.R., of 17-1-1924, to Returning Officers.*

With reference to your letter No. 5277 J., dated the 11th December 1923, I am directed to say that the word "constituency" in the proviso to rule 12 (b) of the various Electoral Rules means a constituency of the legislative body to which the rules in question relate. The effect of the proviso, therefore, is that if a candidate stands for election to more than one legislative body at the same time and secures not less than one-eighth of the total number of votes polled in each case, he is entitled to the return of one deposit for each body.

**74.**

*Ben., Appt., Nos. 771-812 A.R., of 31-1-1924, to Return-  
ing Officers.*

I am directed to refer to rule 19 (1) of the Bengal Electoral Rules, and to say that His Excellency the Governor is pleased, under rule 48 of the Bengal Electoral Rules, to interpret the words "within thirty-five days" in line 1 of rule 19 (1) to mean "not later than thirty-five days after the publication of the result of the election, i.e., excluding the day of publication itself".

**Amendment of the Electoral Regulations to provide for the sale  
as waste paper of old electoral rolls.**

**75.**

*Ben., Appt., No. 743 A.R., of 31-1-1924, to India, Leg.*

I am directed to refer to Regulation 82 (5) of the Bengal Legislative Assembly Electoral Regulations and Regulation 42- (5) of the Bengal Council of State Electoral Regulations under which spare copies of electoral rolls, which are not required to be preserved, are to be destroyed after three years. It has been suggested that the wording as it stands does not allow copies of these rolls being sold as waste paper. The local Government see no objection to surplus copies being sold as waste paper instead of being destroyed and they, therefore, propose to issue a notification substituting the words "sold as waste paper" in place of the term "destroyed" in the corresponding Bengal Electoral Regulation. I am to ask that the

**APPOINTMENTS.****Legislative Councils.**

Government of India may, if there is no objection, be moved to issue a similar amendment to the Legislative Assembly and Council of State Electoral Regulations.

**76.**

*India, Leg., Notn., No. 45, of 9-2-1924.*

In exercise of the powers conferred by rule 15 of the Council of State Electoral Rules, the Governor-General in Council is pleased to direct that the following amendment shall be made in the Regulations published with the Notification of the Government of India in the Legislative Department, No. 199, dated the 6th September 1923, namely :—

In sub-regulation (5) of regulation 42 for the word “ destroyed ” the words “ sold as waste paper ” shall be substituted.

**77.**

*India, Leg., Notn., No. 46, of 9-2-1924.*

In exercise of the powers conferred by rule 15 of the Legislative Assembly Electoral Rules, the Governor-General in Council is pleased to direct that the following amendment shall be made in the Regulations published with the Notification of the Government of India in the Legislative Department, No. 185, dated the 17th August 1923, namely :—

In sub-regulation (5) of regulation 82 for the word “ destroyed ” the words “ sold as waste paper ” shall be substituted.

**78.**

*Ben., Appt., Notn., No. 944 A. R., of 15-2-1924.*

In exercise of the powers conferred by rule 15 of the Bengal Electoral Rules, the Governor in Council is pleased to direct that the following amendment shall be made in the Regulations published with Notification No. 1627 A.R., dated the 11th August 1923, namely :—

In sub-regulation (5) of regulation LXXXV for the word “ destroyed ” the words “ sold as waste paper ” shall be substituted.

**79.**

*Ben., Appt., Nos. 6521-53 A., of 30-6-1923, to Dist. Offrs., etc.*

In modification of the orders contained in this Department memorandum Nos. 3364-3405 A.R.—D., dated the 12th October

## APPOINTMENTS.

### Conduct of Public Officers.

#### Sale of copies of Electoral Rolls.

1920, I am directed to say that copies of the electoral rolls should be sold at the rate of two annas per sheet, whether completely or partially filled, subject to a maximum of Rs. 15 for a complete copy of the roll of a constituency.

The sale-proceeds of electoral roll should as usual be credited into the treasury under the head " XXV—Miscellaneous ".

**80,**

*Ben., Appt., Nos. 3408-13.A.R., of 4-10-1923, to Commrs.  
and Member of the Board of Revenue.*

In modification of the orders communicated with this office endorsement Nos. 6546-51A., dated the 30th June 1923, I am directed to say that in the case of general constituencies, which cover more than one district, the price of the electoral roll should be at the rate of Rs. 5 for each district with a maximum of Rs. 50 for the whole constituency.

**81.**

*Ben., Appt., Nos. 5397-98 A.R., of 4-12-23 to Commrs.,  
Presy. and Dacca.*

With reference to your letter No. 328 C.E., dated the 23rd November 1923, I am directed to say that copies of the electoral rolls from the Council of State constituencies should be sold at the rate of 2 annas per sheet.

### Conduct of Public Officers.

#### Connection of Officers with Banks and Public Companies.

**82.**

*India, Home, No. 17 Pub.-1102, of 26-6-1891. Ben., Appt.,  
Cir., No. 8A., of 18-6-1891 to Depts.*

The India Government circulated copies of the correspondence below on the subject of the connection of officers of Government with Banks and Public Companies:—

*Letter No. 13, dated the 11th March 1891, from the Govern-  
ment of India, Home Department to the Secretary of State.*

In the despatch [No. 25 (Financial), dated the 7th February 1889], Your Lordship conveyed to us your

## APPOINTMENTS.

### Conduct of Public Officers.

decision that no officer holding a permanent appointment under Government, whether pensionable or not, should be permitted to serve as a Director of any Bank or Public Company without previous reference to the Secretary of State for India. We circulated this Despatch to the Local Governments and Administrations in June 1889, and asked to be informed of any case in which officials were serving as Directors of Banks or Public Companies in contravention of this ruling.

2. We now forward copies of the papers entered in the enclosed list which show the results of our inquiries.

“ In Madras besides Mr. R. B. Michell, Senior Professor of Law in the Presidency College, who was permitted in your Lordship's Despatch No. 25 (Financial), dated the 7th February 1889, to accept the appointment of Director of the Bank of Madras, Mr. E. Barclay, Government Solicitor, Mr. F. Rowlandson, Registrar of the Diocese, and Mr. W. Grant, Crown Prosecutor, are Directors of Companies.

In Bombay the only case reported is that of Mr. T. Blaney, Coroner of Bombay, who is Director of three Public Companies.

The Solicitor to Government at Bombay, though not a Director at present contends that he is not debarred from serving in this capacity. The local Government, however, is of opinion that as the Solicitor's duties are closely connected with the general administration and as his duties as Director of a Public Company are likely to clash with his duties as a public servant, the prohibition ought to be maintained in his case.

In Bengal the Secretaries to the local Government in the Financial and Public Works Department are *ex-officio* Government Directors of the Darjeeling-Himalayan Railway; Mr. R. L. Upton, Solicitor to Government, is a Director of several Companies; Mr. C. H. Reily, Registrar of the Diocese and in receipt of a retaining fee as Assistant Secretary in the Legislative Department, is a Director of the Calcutta Branch of the Universal Life Assurance Company; Babu Jogendra Nath Ghose, Demonstrator of Anatomy in the Campbell Medical School, and Babu Behari Lall Chandra, Special Sub-Registrar of the 24-Parganas, are Directors of the Hindu Family Annuity Fund and the Bengal Christian Family Pension Fund, respectively; several Ministerial Officers serving in the Pabna,

## APPOINTMENTS.

### Conduct of Public Officers.

Tippera, Dacca, Faridpur and Hazaribagh districts are Directors of Banks, Loan Offices and Carrying Companies in those districts, and two Government Pleaders in the Faridpur and Lohardaga districts are Directors of the Faridpur Loan Office and the Chutia Nagpur Carrying Company, Limited. The Administrator-General has been permitted by us to be a Director of the Bank of Bengal.

In the North-Western Provinces and Oudh, Babu Nain Sukh, Head Clerk of the Assistant Adjutant-General's Office at Meerut, was serving as a Director of the Meerut Bank, but he has, in compliance with our orders, resigned the Directorship.

" In the Central Provinces, Babu Jiwan Chandra Mukerji, Professor of Physics in the Jubbulpore College, who was holding a Directorship on the Board of the Gokuldass Cotton Manufacturing Mills at Jubbulpore, was also required to resign the Directorship.

In Burma there were four officers who were serving as Directors of the Burma Building Association Company, Limited. Their names and the appointments held by them under Government are noted below. One of them, Mr. Dawson, has since died, and the other three gentlemen have of their own accord resigned their positions as Directors of the Association :—

Mr. C. F. Ansted, Superintendent, Currency Office.

Mr. P. G. Clague, Superintendent, Comptroller's Office.

Mr. J. Dawson, Superintendent, Public Works Secretariat.

Mr. W. F. Godfrey, Head Accountant, Public Works Department.

In the Punjab, Assam, Coorg and Hyderabad, no officials are serving as Director of Banks or Public Companies.

3. The cases of the Solicitor to Government at Madras and Calcutta, of Messrs. Rowlandson and Reily, who are Registrars of the Diocese of Madras and Calcutta, respectively, of Mr. Grant, Crown Prosecutor at Madras, of Dr. Blaney, Coroner of Bombay, and of the Administrator-General of Bengal, require Your Lordship's sanction under the orders contained in your Despatch of the 7th February 1889. We think that there is great force in the representations of Messrs. Barclay and Upton that the Solicitors to Government should be permitted to become Directors of Companies, and we have no objection to any of the other officers just mentioned retaining their Directorships.

## **APPOINTMENTS.**

### **Conduct of Public Officers.**

We therefore recommend that sanction should be granted in each case. The Government Pleaders at Faridpur and Lohardaga stand on a similar footing to the Solicitor to Government, and should in our opinion also be permitted to retain their Directorships.

4. The orders contained in the 4th paragraph of Lord Kimberley's Despatch No. 73 (Public), dated the 19th July 1883, permit public servants to engage in the management of Associations for the purpose of mutual supply and not of trade and trade profit, provided that such employment is not prejudicial to their work as Government servants. Your Lordship will see that we have received through the Bombay Government a letter from the Eurasian and Anglo-Indian Association of Western India enquiring whether Government officials are debarred from serving as Directors or Secretary to that Association under the orders contained in Your Lordship's Despatch of the 7th February 1889, and requesting that should this be the case, the Eurasian and Anglo-Indian Deposit and Loan Society, Limited, might be exempted from the operation of the orders in question. We informed the Bombay Government that we see no objection to public servants taking part in the direction of the Eurasian and Anglo-Indian Deposit and Loan Society, so long as the local Government is satisfied that the conditions laid down in Lord Kimberley's Despatch are fulfilled. Other Associations of a similar character of which Government servants either are or have recently been Directors are—

The Hindu Family Annuity Fund.

The Bengal Christian Family Pension Fund.

The Services Co-operative Association, Limited. Rangoon.

The Burma Building Association Company, Limited.

We do not feel certain that it may not have been Your Lordship's intention to cancel by the orders of 7th February 1889 the concession made by Lord Kimberley in 1883, and we shall be glad if Your Lordship will inform us whether the views expressed in our Home Secretary's letter of 29th November last to the Government of Bombay are in accordance with your wishes in the matter.

**APPOINTMENTS.****Conduct of Public Officers.**

5. In some districts Ministerial officers are Directors of Local Banks and Loan Offices. These officials would be eligible to hold Directorships under the 5th paragraph of Lord Kimberley's Despatch of the 19th July 1883, but it seems to us to be doubtful whether these orders are not superseded by the latter ruling of the 7th February 1889. We would, however, recommend that in such cases the orders of July 1883 should be maintained.

*Despatch No. 53 (Public), dated 14th May 1891, from the Secretary of State.*

My Lord Marquis,—I have considered in Council the letter of your Government No. 13, dated 11th of March last, submitting for orders certain matters relating to the question of the connection of officers of Government with Banks and Public Companies.

In consequence of the instruction contained in the third paragraph of my Despatch (Financial), No. 25, dated 7th February 1889, Your Excellency in Council caused enquiries to be made in the various Provinces as to what officials were serving as Directors of Banks or Public Companies; and you now report to me that as the result of those enquiries certain officers have relinquished Directorships which they held.

3. As recommended by you in paragraph 3 of your letter, I sanction the retention by certain other officers of the Directorship now held by them, the circumstances in each case being exceptional.

With reference to the general question as to the Solicitors to Government at the Presidency towns, I feel that there is force in the representations made by Messrs. Upton and Barclay; and I agree that the Solicitor to Government at Calcutta, the Solicitor to Government at Madras, and the Solicitor to Government at Bombay may be permitted to serve as Directors of Companies, so long as the public service in no way suffers and the interests of the companies are not antagonistic to those of the Government. The like rule may be applied to Government pleaders, such as those at Faridpur and Lohardaga, whom you mention, and two Diocesan Registrars, Crown Prosecutors and Coroners.

5. As regards the questions dealt with in the fourth and fifth paragraphs of your letter, my Despatch of the 7th of



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### Conduct of Public Officers.

February 1889 was written with special reference to the appointment of a Director of a Presidency Bank, and it was not my intention to cancel or alter any orders contained in Lord Kimberley's Despatch, No. 73, dated 19th July 1883. I accordingly approve the views expressed in your Home Secretary's letter of the 29th of November last to the Government of Bombay.

### Communication to an officer of copies of correspondence which concerns him personally.

**83.**

*India, Home, No. 3193, of 23-9-1903. Ben., Appt., Nos. 3947-52A., of 6-11-1903, to Depts.*

The Government of India issued the following instructions on the subject of communicating to an officer copies of correspondence which concerns him personally or which indicates a difference of opinion between the local Government and the Government of India :—

(1) As a rule, only the substance of a decision should be communicated to the officer concerned; with such statement of the grounds upon which it is based as may be necessary for the information of the officer, and may be considered expedient having regard to the circumstances of the case.

(2) Despatches from or to the Secretary of State, and correspondence indicating a difference of opinion between the local Government and the Government of India, should only be communicated with the express permission of the Government of India.

### Procedure for the publication of official correspondence.

**84.**

*India, Home, No. 1540, of 7-6-1921.*

I am directed to forward, for the information and guidance of the Government of Bengal, a copy of a despatch from the Secretary of State No. 36 (Public), dated the 24th February 1921, conveying his orders as to the procedure which should be adopted in future in regard to the publication of official correspondence. I am to explain that the restrictions imposed are not intended to apply to departmental administration reports, which may be communicated to the Press as soon as they are issued or after they have been reviewed by the local Government.

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2. Further, under the provisions of sections 33 and 45 of the Government of India Act, the Governor-General in Council is pleased to make the following rule :—

Communications from the Government of India, or issued to the Government of India, should in no case be made public either in the actual form in which they were issued or in the form of an abstract, without the sanction of the Government of India, unless, in the case of communications from the Government of India, they have been marked for distribution to the Press or have been already published in the *Gazette of India*.

*Despatch No. 36 (Public), dated the 24th February 1921, from His Majesty's Secretary of State for India, to His Excellency the Right Hon'ble the Governor-General of India in Council.*

Principles have from time to time been laid down by my predecessors in office to regulate procedure in the matter of publishing official correspondence, which I have reason to believe are not always so scrupulously observed as their importance demands. I think it desirable, therefore, to state and reaffirm (with certain amplifications and modifications which seem to me necessary in order to bring it into close accord with existing conditions) the procedure which I desire to see adopted in this matter, and with this object I would summarise the position as follows :—

2. (i) No official communication addressed by a subordinate to a superior authority, or *vice-versâ*, should in normal circumstances be published by the addressing authority until the addressee has received it. When circumstances render earlier publication expedient, arrangements for publication should be made by telegram, the contents of the document being indicated to the addressee at the same time. If in rare cases of exigency it should be impossible to adopt either of these courses, telegraphic intimation of the circumstances, with an explanation, should be sent to the addressee.

(ii) No Government in India, and no member of a Government, should in any circumstances give publicity to documents which might seem to reflect upon a superior authority without first obtaining the latter's consent, and no assistance must ever be given to the Press in formulating adverse comments upon the orders or actions of a superior authority.

(iii) No Government in India should publish, without the previous assent of the Secretary of State, any document which has formed part, or would obviously in the future form part, of correspondence between the India Office and any other Department of His Majesty's Government.

(iv) No despatch, from or to the Secretary of State, should be communicated without the express permission of the Secretary of

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State to any authority other than a local Government, or an officer responsible for giving effect to it, and no correspondence between the Government of India and a local Government which indicates a difference of opinion should be communicated by a local Government to any person or authority subordinate to local Government without the express permission of the Government of India.

(v) In personal cases which have formed the subject of correspondence between a local Government and the Government of India or the Secretary of State, the deciding authority should in every case clearly indicate (a) whether only the substance of the decision should be communicated to the officer concerned, or (b) whether, in addition, a statement of the grounds upon which it is based or portions of the correspondence, and, if so, which portions, should be similarly communicated.

3. It is obvious that without the observance of an understanding of the nature embodied in the foregoing principles, the constitutional relations between the Secretary of State, the Government of India and the various provincial Governments could not be satisfactorily maintained. These relations between the provinces on the one hand and the Government of India and Secretary of State on the other have, of course, undergone fundamental modification by the coming into operation of the Government of India Act, 1919, and, as Your Excellency's Government are well aware, I should be the first to question any policy which is inconsistent with the free development of provincial independence postulated by the letter and the spirit of the Act. But the circumstances to which the principles enunciated in this Despatch would apply are *ex hypothesi* circumstances in which Your Excellency's Government would necessarily be exercising the powers of superintendence, direction and control still vested in you, and which preclude any questioning by a provincial Government of the propriety of your discretion in that respect.

4. Similar arguments are obviously applicable to the relationship between the Government of India and the Secretary of State.

5. I request that Your Excellency's Government will communicate copies of this Despatch to all local Governments and Administrations for their guidance.

### Arbitration of Public Officers in settlement of disputes.

**85.**

*India, Home, Res., No. 544, of 12-2-1873. Ben., Judl.,  
Cir., No. 25, of 20-2-1873, to all Offrs.*

The Government of India laid down the following rules, subject to which public officers may undertake to act as arbitrators in settlement of disputes:—

- (1) An officer shall not act as arbitrator in any case without the sanction of his immediate superior, or unless he be directed so to act by a court having authority to appoint an arbitrator.

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- (2) No public officer shall act as an arbitrator in any case which is likely to come before him in any shape in virtue of any judicial or executive office which he may be holding.
- (3) If an officer acts as arbitrator at the private request of disputants, he shall accept no fees.
- (4) If he acts by appointment of a court of law, he may accept such fees as the court may fix.

### **Government servants prohibited from accepting the agency of any insurance company.**

**86.**

*Ben., Appt., Nos. 3370-3403A., of 20-7-1911, to all Offrs.  
and Depts.*

The Government of Bengal issued the circular below prohibiting Government servants to accept the agency of any insurance company.

It has been brought to the notice of Government that several Government servants in this province are employed, on commission or on pay, as agents of insurance companies. Rule 14 of the Government Servants' Conduct Rules lays down that a Government servant may not, without the previous sanction of the local Government, engage in any trade or undertake any employment, other than his public duties. It would, therefore, be an infringement of this rule on the part of a Government servant to accept the position of an agent of any insurance company. The Lieutenant-Governor in Council considers that the practice is most objectionable and might lead to various grave abuses, and directs that it should be stopped. I am accordingly directed to request that you will be so good as to impress upon all officers subordinate to you that Government prohibits the acceptance by them of employment on commission or on pay, as agent or secretary of an insurance company or in any similar capacity.

### **Holding or acquisition by a Government servant of shares in a company.**

**87.**

*Ben., Appt., No. 3500-04A., of 16-5-1916, to Commrs.*

I am directed to invite your attention to rule 12 of the Government Servants' Conduct Rules in which it is laid down that a Government servant may hold or acquire shares in any company, including a mining or agricultural company, which has

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for its object the development of the resources of the country, provided that such investment does not give him such private interest in matters with which his public duties are connected as would be likely, in the opinion of the local Government, to embarrass or influence him in the discharge of his duties; but that he will not be employed in any district in which the operations of any such company are conducted.

2. In a recent case a Government servant, who was discovered to be holding shares in a company carrying on operations in the district in which he was employed, pleaded that the rule did not require him to report the possession or acquisition of such shares. This plea appears to the Governor in Council to be entirely contrary to the spirit of the rule, and it would, if accepted as valid, render the rule unworkable. His Excellency in Council is accordingly pleased to issue the following instructions:—

- (1) When a Government servant receives orders of transfer to a district in which the operations of a company in which he holds shares are conducted, he shall at once report the possession of such shares to Government through his official superiors.
- (2) A Government servant may not acquire by purchase shares in any company, the operations of which are conducted in the district in which he is employed for the time being.
- (3) When a Government servant acquires by succession, inheritance, bequest or gift shares in a company, the operations of which are conducted in the district in which he is employed, he shall at once report such acquisition to Government through his official superiors.

I am to request that all Government servants subordinate to you may be informed accordingly.

### **Employment of retired civil officers as managers of private estates or under Municipal Committees.**

**88.**

*India, Home, Res. No. 707-23, of 4-5-1898. Ben., Appt.,  
Nos. 3209-17A., of 14-5-1898, to Depts.*

There have been recently not a few cases in which members of the Indian Civil Service and officers who have held appointments usually reserved for Indian Civil Servants have, after

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retirement from the service of Government, been appointed to service under a Municipal Committee or employed in the management of private estates in British India. The Governor-General in Council considers that there are usually serious objections to the taking of such employment by retired officers, and His Excellency in Council is accordingly pleased to direct that in future no retired member of the Indian Civil Service, or Military Officer who has been in civil employ, or other officer who has held an appointment which is ordinarily reserved for members of the Indian Civil Service, shall be employed in any appointment to which the approval of the local Government or administration has to be given, without the previous sanction of the Government of India.

### Employment of retired Government servants in commercial firms, etc.

89.

*India, Home, Res., No. 1140, Public, of 21-4-1920. Ben.,  
Appt., Nos. 3659-69A., of 15-5-1920, to Depts.*

The attention of the Government of India has been drawn to a rule laid down by the Colonial Office that an officer who has retired from the Colonial Service may not accept a directorate of a company the principal part of whose business is directly concerned with the Colony or Protectorate in which he has served, or employment in the Colony or Protectorate under such company, without obtaining the previous approval of the Governor; and they have had under consideration the question whether it is necessary to lay down some similar rule for retired officers of the Indian services.

2. After consultation with local Governments and careful consideration of their views, the Government of India have come to the conclusion that, while it is not necessary at the present time to lay down a definite rule, it is desirable that retired Government servants, especially gazetted officers, before accepting directorships, partnerships or agencies of, or employment by, any company or firm or individual engaged in commercial business or associated with the management of land in India, should either obtain the consent of the Government of India, or, if the company managed in London, the consent of the Secretary of State.\* The Government of India believe

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\*These orders were subsequently modified (*see* Order No. 91).

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that this procedure will conduce alike to the interests of the officers concerned and to those of the services generally, and are prepared to leave it to the good sense and loyalty of their officers to observe the procedure now suggested.

ORDER.—Ordered that a copy of this resolution be forwarded to local Governments and administrations and to all departments of the Government of India, for information, and that it be published in the *Gazette of India* for general information.

**90.**

*India., Home, Endt. No. F. 679-24 Public, of 28-8-1924.  
Ben., Appt., Nos. 10449-10462 A., of 10-9-1924.*

Copy of the following forwarded to the Government of Bengal for information.

*Letter No. F. 679/24 Public, dated the 28th August 1924, from the Additional Deputy Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of Bihar and Orissa.*

In continuation of the Home Department letter No. F. 226/24 Ests., dated the 19th July 1924, I am directed to say that, in modification of the orders contained in the Home Department resolution No. 1140, dated the 21st April 1920, it has been decided that the sanction of the local Government will be sufficient in the case of officers who were appointed by them or by any lower authority and who desire after retirement to accept directorships, partnerships or agencies of, or employment by, any company or firm or individual engaged in commercial business or associated with the management of land in India, and that no reference to the Government of India will be necessary in such cases. In a case in which a retired officer was appointed by one Government and his proposed employment lies in the jurisdiction of another, the decision will rest with the latter local Government after consultation with the former.

**Rules to be observed by uncovenanted public officers in seeking employment elsewhere.**

**91.**

*India, Finl., Res. No. 546, of 31-1-1888. Ben., Finl. (Fin.), Cir. No. 7, of 2-3-1888, to all Offrs.*

It has been brought to the notice of the Government of India that officers employed under Government sometimes obtain leave of absence, with the intention of taking up other employment under Government (or otherwise), or accept such employment while on leave. Where this is done with the previous knowledge and consent of the officer's departmental

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superior, the practice is not open to objection. There is reason, however, to believe that in the absence of any specific directions, officers are apt to consider it unnecessary to obtain the consent of their immediate superior before accepting employment elsewhere; and as it seems advisable that this practice should be discontinued, the Governor-General in Council has prescribed the following rules:—

- (1) No head of an office should employ, either temporarily or permanently, an officer belonging to another establishment, without the previous consent of the officer on whose establishment he is at the time borne. In cases in which, for reasons which may appear satisfactory to the new employer, such consent cannot be obtained before the officer joins his new appointment, his employment may be made conditional on consent being obtained in due course.
- (2) It shall be incumbent upon an officer employed under Government, whether on leave or not, before accepting other employment, either to resign his previous appointment, or to obtain the consent of his departmental superior to his accepting such employment. If such consent is not obtained, either previously or, when this is not possible, in due course, the officer renders himself liable to be discharged from his previous appointment, and thus to lose the benefit of his previous service for pension.

2. There is nothing in these rules to prevent an officer on one establishment seeking employment on another. But an officer is not placed under any disability by resigning one appointment to take up another (Civil Pension Code, 101, 1); and it must be held to be a breach of discipline, if an officer actually transfers his services to a new employer without first obtaining the consent of his old employer, or definitely resigning his old employment.

**92.**

*India, Finl., Res. No. 2255P, of 17-5-1899. Ben., Finl. (Fin.),  
Cir. No. 12F. of 9-6-1899, to all Offrs.*

The words “or otherwise” in the resolution by the Government of India, Financial Department; No. 546 of



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31st January 1888, were subsequently cancelled, as they had the effect of rendering the orders in the resolution applicable to the cases of officers who take service under private employers while on leave. It was intended that the resolution of 31st January 1888 should apply only to the case of an officer taking employment on one Government establishment before he has resigned his appointment on another.

### Acceptance of private employment by Government officers on leave.

93.

*India, Finl., Res. No. 5471C. S. R., of 6-9-1911. Ben. Finl. (Fin.), Cir. No. 23-24T.—F., of 27-9-1911, to all Offrs. and Depts.*

The Government of India consider it desirable to call attention to the orders of the Secretary of State for India requiring officers on leave out of India to obtain his sanction before taking up private employment. They have further decided to extend the authority granted to local Governments in the resolution above cited to permit officers on leave to accept employment outside Government service. The Governor-General in Council is accordingly pleased to revise as follows the orders contained in that resolution.

2. The Government of India desire to repeat that inasmuch as leave is intended as a period of recreation and rest and is granted to an officer for the purpose of recruiting his health, it follows that taking up employment during leave is not permissible, save in exceptional circumstances and with special sanction.

3. A gazetted officer who is in receipt of furlough or leave allowances must obtain, if he is resident out of India, the previous sanction of the Secretary of State, or if resident in India, that of the local Government, or (if he is serving under the Government of India) of the Government of India, before taking service under an employer other than Government or accepting employment, not being under Government, which involves the receipt of a fee or honorarium. In the case, however, of a non-gazetted officer resident in India the special permission of the officer empowered to appoint him may be accepted as sufficient authority.

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NOTE.—This condition is not to be held to apply to the receipt of fees for literary work, or for service as Examiner, or to similar employment.

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4. The orders contained in the preceding paragraphs refer to the acceptance of employment of any description whatever not being employment of the kind for which the Foreign Service Rules in Part VII of the Civil Service Regulations provide. An officer in receipt of leave allowances cannot take up an appointment which is such as should, for public reasons and not merely in his own interests, be filled by a servant of Government, unless he has been transferred thereto in the regular way by the authority empowered to authorise his transfer under the rules regulating transfers to Foreign service. An officer who has been so transferred ceases, from the date on which he takes up the appointment, to be on leave and is no longer entitled to draw leave allowances from Government. He becomes an officer in active service drawing from his employer pay fixed in accordance with rule.

### Acceptance of private employment by Government servants.

94.

*India, Home, No. 1420, of 29-5-1920. Ben., Appt., Nos. 4934-45A., of 19-6-1920, to Depts., etc.*

Under article 200 (ii) of the Civil Service Regulations a gazetted officer while on leave may not take service, or accept any employment which involves the receipt of a fee or honorarium in India and in certain places out of India without obtaining the previous sanction of the Government of India or the local Government under which he is employed, as the case may be. Under rule 15 of the Government Servants' Conduct Rules a Government servant may not, without the previous sanction of the local Government, engage in any trade or undertake any employment, other than his public duties. Recently two cases were referred to the Government of India, in which permission was sought to take up private employment under commercial firms having headquarters in India, and after due consideration these requests were refused. On the other hand permission has lately been granted by a local Government in a similar case on the ground that it was anxious to retain the services of a valuable officer, who, having found it impossible to live on his pay, had declared his intention of resigning the service if such permission were not given.

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2. The Government of India consider it desirable that in the case of the Imperial Services uniformity should be observed in this matter. In order to ensure this in the future, I am accordingly directed to request that permission may not be granted to an officer of the Imperial Services, while on leave, to take up employment of the kind referred to in article 200(ii), Civil Service Regulations, without previous reference to the Government of India.

### Grant of permission to civil officers to accept private employment when on leave preparatory to retirement.

95.

*India, Home, No. F. 244 (Public), of 21-8-1922. Ben., Appt., Nos. 10350-363A., of 11-9-1922, to Depts.*

Copy of the following forwarded to the Government of Bengal for information, in continuation of the Home Department letter No. D. 3267, dated the 5th December 1921:—

*Letter No. F. 244 (Public), dated the 21st August 1922, from the Joint Secretary to the Government of India, Home Department, to the Secretary to the Government of Bombay, Revenue Department.*

I am directed to refer to your letter No. O. 5690 D., dated the 7th June 1922, inquiring whether a Government servant on leave, preparatory to retirement, whether on full or proportionate pension, can be allowed to accept employment under another Government out of India, but within the British Empire.

2. In reply I am to state\* that in accordance with paragraph 4 of the announcement made by the Secretary of State on the 5th July 1922, regarding premature retirement, officers on leave, preparatory to retirement on *proportionate pensions*, can take up private employment in India with the specific consent of the Governor-General in Council, and similar employment elsewhere than in India with the specific consent of the Secretary of State in Council. The request for such permission must be accompanied by a definite request for permission to retire at the expiry of the leave.

3. The Government of India have now decided, with the approval of the Secretary of State, to apply, for the present and until further orders, the orders contained in paragraph 4 of the announcement referred to above to officers on leave preparatory to retirement on ordinary pensions.

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\*The Government of India ruled subsequently (Home Department No. F. 261-23 Public, dated the 4th June 1923), that these orders applied to all services, but that the sanction of the Government of India is required only in the case of members of all-India services.

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### Conduct of Public Officers.

96.

*India, Home, No. F. 244-5 (Public), of 12-2-1923.*

I am directed to refer to the correspondence ending with the Home Department endorsement No. F. 244, dated the 21st August 1922, on the subject mentioned above.

2. The Secretary of State now holds that the employment of officers, who are on leave, preparatory to retirement, in trading concerns in India, is *prima facie* open to grave objection and should be permitted only in very exceptional cases. I am accordingly to request that all applications\* to take up private employment with trading concerns in India on leave, preparatory to retirement, which may be received from officers in India who are on leave, preparatory to retirement, or who are contemplating premature retirement in India, should be very carefully examined† and forwarded to the Government of India with a full expression of the views of the local Government.

**Treatment of foreign service as private employment in the case of officers who are on leave, preparatory to retirement.**

97.

*India, Home, No. F. 261-3-23 (Public), of 1-10-1923.  
Ben., Appt., Nos. 12764-777 A. of 20-11-1923, to Depts.*

A copy of the following letter, together with a copy of extract paragraph 4 from the Punjab Government's letter No. 882 S.-Pol., dated the 14th June 1923, is forwarded to the Government of Bengal for information.

*Letter No. F. 261-3-23 (Public), dated the 1st October 1923, from the officiating Joint Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of the Punjab.*

I am directed to invite a reference to paragraph 4 of your letter No. 882 S.-Pol., dated the 14th June 1923, addressed to the Government of India in the Foreign and Political Department on the subject mentioned above.

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\*The Government of India ruled subsequently (Home Department No. F. 261-23 Public, dated the 4th June 1923), that these orders applied to all services, but that the sanction of the Government of India is required only in the case of members of all-India services.

†Subsequently (Home Department No. F 261/II-23, Public, dated the 31st July 1923) the Government of India said that the Secretary of State had suggested that such applications, if granted, should in most, if not all, cases, be subject to the condition of immediate retirement, and they asked that this question should invariably be considered before permission is granted and the views of the local Government specially communicated to the Government of India on this point.

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2. In Home Department letter No. 261-23, dated the 4th June 1923, it was decided that the Government of India's sanction was required only in the case of members of all-India services who desired to accept private employment during leave, preparatory to retirement, and that no reference to the Government of India was required in the case of persons appointed by the local Government or any lower authority.

3. In the Finance Department letter No. 602 C.S.R., dated the 26th April 1923, read with the Finance Department letter No. 957 C.S.R., dated the 13th June 1923, orders were communicated that foreign service of all kinds may be reckoned as private employment in the case of officers accepting such employment while on leave, preparatory to retirement.

4. As doubts have arisen whether the words "with your permission" in paragraph 2 (a) of the Secretary of State's despatch No. 4 (Financial), dated the 22nd February 1923, conflict with the orders issued in the Home Department letter No. 261-23, dated the 4th June 1923, I am to explain that the Government of India interpret the words as applying to officers who, with the permission of the Government of India, accept private employment. On this interpretation, I am to state that the orders contained in the Home Department letter, dated the 4th June, stand as they were when issued, i.e., the sanction of the Government of India will only be required in the case of officers of all-India services desiring to accept private employment, and that no reference need be made to the Government of India in the case of officers appointed by the local Government or any lower authority.

*Extract of letter No. 882 S.-Pol., dated the 14th June 1923, from the Chief Secretary to the Government of the Punjab, to the Secretary to the Government of India in the Foreign and Political Department.*

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4. It is understood that the words "with your permission" in paragraph 2 (a) of the Secretary of State's despatch, indicate that the sanction of the Government of India is required in cases in which the applicability of the Foreign Service rules is in question, and that the orders conveyed in the Government of India, Home Department, letter No. F. 261-23 (Public), dated the 4th June 1923, cannot be held to cover such cases.

### **Participation of Government servants in political movements.** **98.**

*India, Home, No. 1492 (Public), of 31-5-1921. Ben., Appt., Nos. 4696-4743 A., of 24-6-1921, to Commsrs., etc.*

I am directed to forward, for the information of the Government of Bengal, a copy of the correspondence which has passed between the Government of India and the European Association, Calcutta, relating to the question whether Government servants may join the European Association.

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*Letter No. 1799, dated the 26th January 1921, from the Secretary, European Association, to the Member of the Supreme Council, Government of India, Home Department.*

My Council will be extremely obliged if you will kindly give it a ruling on the following:—

(1) Is there any objection made by the Government of India to Government officials becoming members of the European Association owing to the fact that it is regarded as a political body?

It is true that according to the dictionary interpretation of the word we are political, but we are not so in the same sense that it is understood at Home.

Our political activity here consists in bringing before the notice of Government any grievance which we think should be remedied by Government, in so far as it adversely affects the European community here or even individually. Also, when laws are being enacted by the Government of India or by Imperial Parliament, in connection with India, which appear to be unfair to us, we put forward our arguments against such measures, but when an Act becomes law, we cease to oppose same, reserving the right, however, to suggest amendments.

(2) In the event of officials of Government not being permitted to join a political organisation such as ours, would there be any objection to their joining a non-political branch of it? That is a branch that would deal solely with the patriotic, benevolent, economic and civic questions of which no doubt you are aware this Association deals with largely.

*Letter No. 1816, dated the 1st April 1921, from the General Secretary, European Association, to the Member of the Supreme Council, Government of India, Home Department.*

With reference to my letter of the 26th January and your reply of the 4th February, No. 378, I beg to confirm my conversation with you at Delhi on March the 24th.

You were good enough to say that you hoped to be able to give a definite answer in the course of a month to the question raised in the abovementioned correspondence, viz., (1) as to whether Government officials might join the European Association, as at present constituted, (2) as to whether Government officials might join the non-political branch of the Association.

*Letter No. 1491 (Public), dated the 31st May 1921, from the Additional Deputy Secretary to the Government of India, Home Department, to the General Secretary, European Association.*

I am directed to refer to the correspondence ending with your letter No. 1816, dated the 1st April 1921, in which you enquire (1) whether Government servants may join the European Association as constituted at present and (2) whether there would be any objection to their joining a non-political branch of the Association if such a branch were formed.

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2. The political activities of your Association, as stated in your letter No. 1799, dated the 26th January 1921, consist in—

- (1) bringing to the notice of Government any grievance which, in the opinion of the Association, should be remedied by Government in so far as it adversely affects the European community or Europeans individually;
- (2) putting forward arguments against Bills before the Government of India or before Parliament which appear unfair to Europeans; and
- (3) suggesting amendments to such Acts when they have become law.

There can be no doubt that these are all movements of a political nature, *i.e.*, movements with the object of securing that laws shall be so framed as to benefit, or at least not adversely to affect, a particular community. The question therefore whether Government servants may join an Association of this kind must be considered with reference to the general rules regarding the participation of Government servants in political movements.

3. The Government of India have recently had this question under their consideration, and the conclusions which they have reached are embodied in the Home Department resolution No. 632, dated the 7th March 1921, and in the revised rules 22 and 23 of the Government Servants' Conduct Rules appended thereto. A copy of these papers is enclosed for the information of your Association. It will be seen that by rule 23 (1) Government servants are definitely prohibited, save in certain specified circumstances and for certain specified purposes, from taking part in, or subscribing in aid of, any political movement in India or relating to Indian affairs. So long as the objects of your Association remain as stated in your letter under reference, the participation of Government servants in the activities of the Association is clearly forbidden by the rule quoted, and the Government of India are not prepared to relax that rule in favour of your Association or in favour of a particular class of their servants.

4. With regard to the second question raised in your letter, I am to say that the Government of India would have no objection to Government servants joining a purely non-political branch of your Association, provided that that branch is separately organised with entirely distinct finances.

### **Prohibition of Government servants from being members of the " Round Table " Association.**

**99.**

*India, Home, No. 616, of 5-3-1917. Ben., Appt., Nos. 2451-2519 A, and 2665-74A., of 11-4-1917.*

I am directed to invite a reference to the statement made by Sir James Meston in the United Provinces Legislative

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### Conduct of Public Officers.

Council on the 29th January 1917, in connection with the publication of a private letter from Mr. Lionel Curtis to the Secretary of the "Round Table". It will be observed that the Government of India consider that Government officials should not in future be members of "Round Table" groups in India.

2. In coming to this decision, the Government of India have no desire to express any disapproval either of the methods or of the objects of the "Round Table" associations. As far as they are aware, the "Round Table" association is an association of students who are devoting earnest study to a solution of important political problems, having no desire to launch political propaganda, and with no ulterior political aims; their method being to endeavour by comparison and exchange of views and by promoting discussion, oral and in writing, between men of different schools of thought, to reconcile differences of opinion, and thus to create a greater solidarity of agreement behind the solution, whatever it may be, that may emerge from such discussions among the associates.

3. Although, however, the objects of the "Round Table" association are laudable, and in themselves quite innocuous, the publication of Mr. Curtis' private letter has given rise to so much misapprehension and to such definite charges, unfounded though they are, that Government servants in this country are combining with Mr. Curtis and the "Round Table" to give prominence to political views which are unpalatable to advanced Indian political sentiment, that the Government of India are constrained to direct that no Government servant should become a member of a "Round Table" group.

4. Mr. Curtis, or any other gentleman who may visit India for the study of political problems, is of course at full liberty to discuss questions of this kind with Government officers as with non-official Indians. Indeed, it would be just as undesirable that such enquirers should be debarred from ascertaining official views as it would be for them to neglect the study of non-official opinion; but the direct association of officials as actual members of "Round Table" groups is likely to lead, as it has done in this instance, to the public identification of Government officers with political views that may be entirely out of accord with those held by the Government under which they are serving, and thus lead to an infringement of the rules governing the conduct of Government servants.



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### Conduct of Public Officers.

I am accordingly to request that, with the permission of His Excellency the Governor in Council, this decision of the Government of India may be made known to all who are concerned.

### **Position of Government servants in relation to the Anglo-Indian Association and the Anglo-Indian Empire League.**

**100.**

*India, Home, No. 420C., of 10-12-1918, and No. 648 of 26-5-1919. Ben., Appt., Nos. 4140-46A., of 28-6-1919, to Commrs. and Secys. of the Anglo-Indian Assn., and Anglo-Indian Empire League.*

I am directed to address you on the subject of the position of Government servants in relation to Anglo-Indian Associations and the Anglo-Indian Empire League. The attention of the Government of India has recently been called to the fact that the orders issued on this subject in the past have not been altogether consistent. In 1910, in connection with a reference from the Calcutta Anglo-Indian Association the Government of India informed the Government of Bengal that they had no objection to Government servants becoming members of the Anglo-Indian Association or serving on its Council, provided that if the Association actively engaged in any political movement, members or office bearers, who were Government servants, should abstain from taking any part in it. In 1913, the question again rose. This time in connection with a reference from the Anglo-Indian Empire League, whose Secretary alleged that the ruling of 1910 had rendered rule 20 (now 21) of the Government Servants' Conduct Rules null and void. After some correspondence with the Secretary of the League and a careful consideration of its rules and objects the Government of India addressed all local Governments and administrations in this department letter Nos. 1822-33, dated the 6th October 1914. In that letter it was pointed out that the relation of Government servants to the League was wholly dependent on the methods adopted by it to achieve its objects. If these methods constituted a "political movement" then rule 21 of the Government Servants' Conduct Rules applied. So long as the activities of the League were confined to the social or material advancement of the domiciled community, it was doubtful whether there was any harm in a Government

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servant belonging to the League and taking an interest in its work. If, however, the League embarked on political agitation, *e.g.*, for its electoral representation on Legislative Councils or for or against measures advocated by Government or by members of other communities, then the association of Government servants with the League would at once become objectionable. It was left to provincial Governments to decide whether the League as a whole in their provinces or any branch of it was infringing this condition and, if so, to take such action as was necessary.

2. The inconsistency between the orders of 1910 and 1914 has led to some difference in the action of local Governments in this matter. Some Governments have followed the orders of 1910 and others have applied those of 1914. It has thus come about that whereas in one province all Government servants have been called upon to resign their membership of the Association in view of the fact that it took part in an address to His Excellency the Viceroy and the Secretary of State on the subject of Constitutional Reforms, no similar action has been taken in another province where the local Anglo-Indian Association itself presented an address on the same subject.

3. It is desirable that there should be uniformity in the action of all local Governments and administrations in this matter so far as that can be attained. The Government of India understand that an authoritative declaration on the subject is at present of special importance to the various bodies concerned, in view of the fact that there is a movement for amalgamating them into one central association. They are, however, unable to agree to any orders which will place the Anglo-Indian community in a specially favourable position in the matter of the relations of Government servants to political movements. Rule 21 of the Government Servants' Conduct Rules still applies to all Government servants, whatever their nationality, caste or creed, and the Government of India have no intention of amending it or relaxing it in any respect. The extension of the franchise and the greater association of the people generally with the administration may be expected in the near future to increase political activity to a very large extent, and it will then be all the more necessary for the servants of Government to keep themselves severely aloof from all such activity, which in time will tend more and more to be

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directed on party lines. The Government of India have, therefore, decided to instruct all local Governments and administrations that they should consider the orders of 1914 as having cancelled those of 1910, and that they should at once reconsider the position of all Government servants who are members of any Anglo-Indian Association or the Anglo-Indian Empire League in their province in the light of these orders. It will be for each local Government and administration to determine whether the activities of these bodies are political or not, but I am to call special attention to the circumstances of such activity given in Mr. Wheeler's letter of 6th October 1914, and to say\* that if any of these bodies engages in any work of a political nature, there should be no hesitation in calling on all Government servants to resign their membership forthwith.

**101.**

*India, Home, No. 648, of 26-5-1919.*

I am directed to say that the Government of India have reconsidered the question of the position of Government servants in relation to Anglo-Indian Associations and the Anglo-Indian Empire League, which was dealt with in the Home Department letter No. 420C., dated the 10th December 1918, and have decided to modify the instructions contained therein.

2. It is not intended to relax or depart in any way from rule 21 of the Government Servants' Conduct Rules; nor is there any intention of placing the Anglo-Indian community in a specially favourable position in the matter of the relations of Government servants to political movements. But the Government of India, after further consideration, consider that the rules does not prohibit membership by a Government servant of a society which has for its main purpose the moral and material progress of a community, as apart from politics, provided he abstains from taking part in any political agitation or movement. The Government of India are satisfied that hitherto the main purpose of the Anglo-Indian Associations and the Anglo-Indian Empire League has been the moral and material progress of the Anglo-Indian community, although these bodies have, at the same time, interested themselves in certain political matters, and the Government of India are impressed by the fact that the associations, which

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\*This decision was subsequently modified (see Order No. 101).

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are beneficial to the Anglo-Indian community would suffer from the loss of the steadying influence of the members who are in Government service. In view of these considerations, the decision which was conveyed in the Home Department letter of the 10th December 1918, that if an association engages in any work of a political nature, all Government servants should be required to resign their membership forthwith, is now withdrawn. In place of it the Governor-General in Council is pleased to direct that, so long as the Anglo-Indian Associations and Anglo-Indian Empire League continue to devote themselves mainly to the moral and material progress of the Anglo-Indian community, a Government servant may be a member provided he takes no part in any movement of a political nature. This, it should be noted, is on the understanding that if, in future, the character of any such association changes, the Government may have to warn its servants that they can no longer belong to it.

3. I am to request that, with the permission of His Excellency the Governor in Council, the Anglo-Indian Association and the Anglo-Indian Empire League in Bengal may be informed of the revised instructions now issued.

#### 102.

*Ben., Appt., Nos. 4140-46A., of 26-6-1919, to Commrs. and Secys. of the Anglo-Indian Assn. and Anglo-Indian Empire League.*

I am directed to communicate to you the following decision of the Government of India regarding the position of Government servants in relation to Anglo-Indian Associations and the Anglo-Indian Empire League.

2. Under rule 21 of the Government Servants' Conduct Rules an officer of Government may not take part in, or subscribe in aid of, any political movement in India or relating to Indian affairs, nor may he attend any political meeting, his presence at which is likely to be misconstrued or to impair his public usefulness. The Government of India consider that this rule does not prohibit membership by a Government servant of a society which has for its main purpose the moral and material progress of a community as apart from politics, provided he abstains from taking part in any political agitation or movement. The Government of India are satisfied that hitherto the main purpose of the Anglo-Indian Association

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and the Anglo-Indian Empire League has been the moral and material progress of the Anglo-Indian community, although these bodies have at the same time interested themselves in certain political matters. They have accordingly been pleased to direct that so long as the Anglo-Indian Associations and the Anglo-Indian Empire League continue to devote themselves mainly to the moral and material progress of the Anglo-Indian community, a Government servant may be a member, provided he takes no part in any movement of a political nature. This, it should be noted, is on the understanding that, if in future the character of any such association changes, the Government may have to warn its servants that they can no longer belong to it.

### **Contribution of articles by Government servants to non-Government publications on scientific or technical matters.**

**103.**

*India, Home, No. 531, of 23-2-1921. Ben., Appl.,  
Nos. 2561-71A., of 11-4-1921 to Depts.*

I am directed to address you on the subject of the contribution of articles by Government servants to non-Government publications on scientific or technical matters.

2. Rule 17 of the Government Servants' Conduct Rules directs that a Government servant may not, unless generally or specially empowered by the local Government in this behalf, communicate directly or indirectly to Government servants belonging to other departments, or to non-official persons or to the press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise. It has frequently been urged that the knowledge and experience of Government officers should be more readily at the disposal of the public than is the case at present. The Government of India admit the force of this contention and they consider that in the interest of the industrial development of the country it is desirable that steps should be taken to encourage officers whose work involves the study of technical and scientific subjects to give general publicity to their views.

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3. The Government of India see no necessity to alter the existing rule on the subject, which has been cited above, but they think that the desired object would be attained, to some extent at least, if local Governments exercised the power vested in them by the rule in question by empowering Directors of Industries and officers subordinate to them generally to contribute articles of a scientific or technical character to non-Government publications, at the same time entrusting Directors with the function of scrutinising and approving articles written by officers under their administrative control. Directors of Industries would, if thought necessary, be warned that Government relies on them to exclude from such articles any matters of a confidential nature or such as might, if published, prove embarrassing to the administration.

4. I am accordingly to suggest that if this proposal meets with the approval of the Government of Bengal, action may be taken to give effect to it in such manner as the local Government may think fit.

### Right of Government servants to explain and defend in public the policy of Government.

104.

*India, Home, Res. No. 632 (Public), of 7-3-1921. Ben., Appt., Nos. 2635-2677A., of 7-4-1921, to Commrs., etc.*

The Government have had recently under consideration the question of the right of Government officers to explain and defend in public the policy of the Government. The existing orders on this subject are contained in rules 20, 22 and 23 of the Government Servants' Conduct Rules. Under rule 20 a Government servant may not publish in the press any statement of fact or opinion which may embarrass the relations between the Government and any section of the people; under rule 22 he may not take part in any political movement, nor attend any political meeting at which his presence is likely to be misconstrued; and under rule 23 he may not interfere or use his influence in any way in an election to a Legislative Council, except that he may record a vote, if he is qualified to do so. These rules were framed many years ago; in the interval the conditions have greatly altered; and in the report on the Indian Constitutional Reforms, it was recommended that in view of these changes there should be a greater liberty of action to the

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European public servants in India. "He ought not," it was urged and of course the same considerations apply to the Indian public servant, "to leave the task of political education solely to the politicians. He too must explain and persuade and argue and refute." This view was endorsed by the Joint Committee in their report on the Government of India Bill.

2. The Government of India realise the objections to the participation in politics of Government officers. They recognise that it is the clear duty of their officers to refrain from any action that might lay them open to the charge of attempting to influence the course of an election. They recognise too that in the main the defence of the policy of Government is the concern of the Government itself, and in regard to most matters of public interest, they do not desire that their officers should embark on vigorous propaganda in their interests. But, in the conditions now obtaining, there are subjects on which Government officers cannot be prohibited from expressing their views, merely because by so doing they will run counter to the tenets of a political party. The non-co-operation movement is a clear instance in point. A campaign is being carried on at the present moment by the adherents of this movement which has for its objects the paralysis of the Government, and which seeks to attain this object by seditious and unscrupulous propaganda amongst the masses of the people. In regard to movements of this kind, Government officers cannot be required to maintain an attitude of silence and aloofness. They must be permitted—indeed it is their duty—to counter and refute such propaganda; and if their action in this direction is to be fully effective, it may be necessary on occasion for them to address public meetings.

3. The Government of India have, therefore, decided, with the approval of the Secretary of State, that in future, and subject to certain clear limitations, Government officers will be allowed to explain and defend in public the policy of the Government. The action taken must be for the purpose of removing misapprehensions, correcting misstatements, or refuting disloyal and seditious propaganda; so far as possible there should be no reference to the personality of parties or individuals who may be in opposition to the Government; and when elections are impending, Government officers must be careful that they give no ground for the suggestion that

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statements of facts or views made by them have been made with the object of influencing the electors in favour of, or against, any party or an individual candidate. Further, no statement of facts of opinion on public matters may be published by a Government servant in the press under his own name without the permission of the local Government. But subject to these conditions, Government officers will be at liberty to defend and explain the policy of Government either in interviews with the members of the public, at local Durbars or on the platform. Rules 22 and 23 of the Government Servants' Conduct Rules have accordingly been redrafted and a copy of the revised rules is appended to this resolution.

ORDER.—Ordered that the resolution be published in the *Gazette of India* and that copies be forwarded to all local Governments and administrations and departments of the Government of India, for information.

### Recognition by Government of associations formed by its employees.

**105.**

*India, Home, No. F. 39 (Public), of 13-10-1921.*

I am directed to refer to the correspondence ending with your letter No. 13123 P., dated the 4th December 1920, on the subject of unions and associations of Government employees in India. The subject is a difficult one, but after much consideration, the Government of India have decided to approve of the rules, a copy of which is enclosed. *The rules, of course, do not apply to any employee of Government who is subject to military law or to the Indian Army Act, 1911, and the remaining remarks in this letter do not apply to any such employee.*

2. Before referring to certain details in the rules, I am to invite a reference to the principle set forth in article 427 of the Peace Treaty as being one which the High Contracting Parties regarded as of special and urgent importance.

*“The right of association for all lawful purposes by the employed as well as by the employers.”*

In view of the assertion of this principle, the Government of India consider that no obstacle could now be placed in the way of the association of employees of private employers, and therefore they further considered that it was essential that they



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should indicate the principles upon which they themselves were prepared to accord recognition to associations of their own employees. These principles have now been indicated in the rules, and in order that they may be applicable to the maximum number of circumstances, they have been made as few and simple as possible, they are not generally of a mandatory character, and full powers have been accorded to local Governments and departments of the Government of India to make such subsidiary rules as may be required to meet the circumstances of particular classes of employment.

3. It will be observed that the rules merely indicate the principles upon which Government is prepared to accord official recognition to associations of its employees. They are not rules prohibiting the formation of any associations for lawful purposes, which are not formed in accordance with them.

In view of the particular character of their employment, more stringent conditions in certain circumstances have been laid down in the case of employees in the Police and Prisons Departments. It is possible that it may be necessary in the future to prohibit associations of employees in these two departments unless they accord with certain prescribed conditions. The Government of India are, however, at present inclined to consider that if such action is found to be necessary, it should be taken by legislation on the lines of the English Act (9 and 10 Geo. 5, ch. 46), and that meanwhile the effect of the present rules should be awaited.

4. I am to invite attention to following particular provisions of the rules :—

*Rule 2.*—So far as the special provisions relating to the Police and Prisons Departments are concerned, it is believed that difficulties in regard to discipline have arisen already because of the failure to observe this condition. Support for the provision may be derived from the corresponding provision in rule 2 of the Schedule attached to the English Act of 1919.

*Rule 3.*—The rule only prescribes eligibility for membership of the association. The rule will therefore not prevent the expulsion from any association of any particular employee who may have offended against its rules. No restriction as to the percentage of the

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class of employees has been imposed. Government must be prepared to assess any representation from an association in accordance with the number of the members of the association and the intrinsic merits of the representation.

*Rule 4.*—The general rule laid down is subject to the definite prescribed exception in the case of the Police and Prisons Departments, and may be departed from in other special cases. As a general rule, however, it is considered that if the right of association means anything, it must generally involve that full discretion shall be left to the members of an organisation to choose their own officials and leaders.

*Rule 5.*—It will be observed that it will be open to Government to refuse to receive a representation from an association of employees in departments other than the Police and Prisons Departments which may raise a question of discipline or of promotion unless in so doing it raises a question of common interest to the class represented by the association. A representation raising a question of discipline or of promotion from an association of employees in the Police and Prisons Departments is on the other hand prohibited. It is considered that the provisions of section I of the English Act afford ample authority for this latter provision.

*Rule 6.*—In order to enable Government to appreciate the weight to be attached to any representation, it is clear that they must be aware of the rules of the association and its financial position and the number of members it contains. Normally this may suffice to meet the purposes of Government, but in this case also more stringent provisions are clearly required in the case of associations of employees in the Police and Prisons Departments.

*Rule 7.*—It will be observed that rule 2 would permit of the formation of central associations of officers belonging to all-India services. As a general rule, however, representations from such associations will only mean delay, as the powers of control and the financial responsibility of local Governments must be strictly

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conserved. Such associations will, therefore, be informed accordingly when they apply for recognition. The Government of India will only receive representations from local associations through local Governments.

5. With reference to associations of gazetted officers, I am to say that the Government of India consider that no officer who may be required to deal with a representation from such an association should be permitted to be an office-holder of the association.

6. In conclusion, I am to observe that the Government of India have decided that the rules should not be published for general information, but that copies of them may be communicated to any association or proposed association of Government employees.

### Rules.

#### PART A.

#### RULES APPLICABLE TO GOVERNMENT EMPLOYEES IN DEPARTMENTS OTHER THAN THE POLICE AND PRISONS DEPARTMENTS.

1. Government is prepared to accord official recognition to associations of its employees which comply with the conditions set out in the following rules. Representations from such associations, whether made orally by deputation, or presented in writing, may be received by Government officers, subject to the conditions set out in these rules, and notwithstanding anything contained in the rules relating to the submission of petitions and memorials by Government servants.

**NOTE.**—Nothing in these rules affects the discretion of the Governor-General and the Governor or other head of a province to receive or not to receive a deputation from any association.

2. The association must ordinarily consist of a distinct class of Government employees.

3. Every Government employee of the same class must be eligible for membership of the association.

4. Ordinarily Government will not object to persons who are not in the active service of Government, being office-holders of the association, but Government reserves the right in particular cases of refusing recognition to associations of which all the office-holders are not either in the active service of Government or honourably retired officers belonging to the same class of Government employees as the association represents.

5. No representation or deputation will be received, except in connection with a matter which is, or raises questions which are, of common interest to the class represented by the association.

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6. Government may require the regular submission, for its information, of copies of the rules of the association and the annual statement of its accounts and of lists of its members. In the event of legislation being passed which will permit of the registration of the association, the association shall be duly registered.

7. Government may specify the channel through which representations from the association shall be submitted and the authority by whom deputations may be received.

8. The officer who is empowered to grant leave to a Government employee will, so far as is possible, grant casual leave to an employee who is a representative of a recognised association to attend duly constituted meetings of the association. The grant of such leave will be subject to the exigencies of the service, of which the officer in question shall be the sole judge, and such officer will have complete discretion to refuse such leave if asked for more than once in any month.

9. (1) In these rules, unless the context otherwise requires, "Government" includes a local Government and a department of the Government of India.

(2) A local Government or a department of the Government of India may delegate any of its powers under rules 1 to 8 to any authority subordinate to it.

(3) A local Government or a department of the Government of India may make subsidiary rules relating to the recognition of associations of classes of Government employees subordinate to it.

## PART B.

### RULES APPLICABLE TO EMPLOYEES IN THE POLICE AND PRISONS DEPARTMENTS.

The rules in Part A shall be applicable to associations of employees in the Police and Prisons Departments, with the following additions to rules 2 and 6 and the substitution of the following rules for rules 4 and 5:—

*Rule 2.*—The association shall also consist of such distinct rank or ranks of employees as Government may prescribe, provided that Government may permit specified ranks of employees in the Excise Department to be members of particular associations of specified ranks of employees in the Police Department.

*Rule 4.*—No person who is not in the active service of Government or an honourably retired officer belonging to the same class of Government employees shall be an officer-holder of the association.

*Rule 5.*—No representation or deputation will be received on questions of discipline or of promotion affecting individuals.

*Rule 6.*—No rule of the association shall be valid until it has received the approval of Government, and Government may from time to time require the modification of a rule or proposed rule in a particular manner.

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**Question of the eligibility of military officers in civil employ to become members of Associations formed by Government servants.**

**106.**

*India, Home, Endt. No. F. 214-2-3 (Public), of 21-8-1923 ; Ben. Appt., Nos. 10364-79 A., of 17-9-123, to M.S.G., I.G.P., etc.*

*Letter No. F. 214-2-23 (Public), dated the 21st August 1923, from the officiating Joint Secretary to the Government of India, Home Department, to the Chief Secretary to the Government of the Punjab.*

With reference to your letter No. 14041 Gazette, dated the 25th April 1923, on the subject noted above, I am directed to state that the rules communicated with the Home Department letter No. F. 39, dated the 13th (20th) October 1923, can only be applied to military officers in civil employ when they have been placed on the supernumerary list, and are no longer subject to military law.

*Letter No. 14041 Gazette, dated the 25th April 1923, from the Chief Secretary to the Government of the Punjab, to the Secretary to the Government of India, Home Department.*

I am directed by the Governor in Council to enquire with reference to paragraph 305 of the India Army Regulations, Volume II, whether military officers of the Punjab Commission or other military officers in civil employ in the Public Works and Veterinary Departments are eligible to become members of associations of Government servants recognised under the rules received with Mr. Tonkinson's letter No. F. 39, dated the 13th (20th) October 1921.

**Prohibition of the publication by Associations of Government servants of memorials addressed by them to Government.**

**107.**

*India, Home, No. F. 244 (Public), of 13-4-1923 ; Ben., Appt., Nos. 176-79 A.D., of 30-4-1923, to Hony. Secy., I.C.S., Assn., etc.*

The Government of India have observed that in several cases associations of Government servants have published in the press, without obtaining permission to do so, the more important memorials and representations which they submit to Government. This practice, undesirable in itself and contrary to the traditions of the services, constitutes, in the opinion of the Secretary of State and the Government of India a serious breach of rule 22 of the Government Servants' Conduct Rules. I am directed to request that, with the permission

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of His Excellency the Governor in Council, all associations of Government servants in the Bengal Presidency may be informed of this view and warned against any further unauthorised publication of such documents.

### Communication to the Secretary of State of suggestions involving important changes put forward by certain associations in India.

**108.**

*India, Hcme, No. F. 169-23 (Public), of 6-9-1923, Ben.,  
Appt., Nos. 16718-16731A., of 27-9-1923, to Depts.*

I am directed to forward, for the information and guidance of the Government of Bengal, a copy of a letter from the India Office, No. M.-2201, dated the 28th March 1923, on the subject noted above.

*Letter No. M. 2201, dated the 28th March 1923, from the Secretary,  
Military Department, India Office, to the Secretary to the Government of India, Army Department.*

With reference to correspondence ending with your letter of the 6th June 1923, No. 10902-8 (0-3), I am directed to forward copy (not printed) of a question asked in the House of Commons on 19th March regarding the attitude of the Foremen's Association of India towards the Indian Ordinance Factories Provident Fund, together with a copy (not printed) of the reply made thereto. I am to request that the Secretary of State may be furnished with a report by the Government of India on the points raised in this question, together with a copy of the recommendations made before and by the Palmer Committee.

2. No copy of the report of this Committee, which appears to have been held in 1919 (*vide* the Viceroy's Finance Department telegram of 11th October 1919), would seem to have been received in this office. In view of the interest taken in this country in such matters, the Secretary of State regards it as very desirable that early information should be conveyed to him when suggestions involving important changes are put forward by the Foremen's Association or other similar associations in India.

### Method of representations by members of all-India service.

**109.**

*Ben., Appt., Nos. 379-85 A.D., of 29-4-1925.*

Section 96 B (1) of the Government of India Act provides that any person appointed by the Secretary of State in Council who thinks himself wronged by an order of an official superior in a Governor's province may complain to the Governor of the province in order to obtain justice. But this

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provision is subject to due application for redress having been made to the superior, and it is desirable to lay down the procedure which should be followed in cases where a member of an all-India service desires to make a representation on personal matters to His Excellency the Governor. I am to communicate for your information the following instructions which have been laid down by Government for this purpose :—

- (1) All representations against an order should be submitted through the regular official channel, but it will be open to the officer to submit a duplicate copy of the same direct to His Excellency the Governor.
- (2) All applications for an interview with His Excellency the Governor should be made to the Private Secretary, but an intimation must be given by the applicant at the same time to the superior whose action is the basis of the complaint which it is intended to make at the interview. Such intimation should be accompanied by a short statement containing the gist of the complaint, which should be forwarded by the superior officer concerned to the Private Secretary, with the necessary comments, in order that His Excellency the Governor may be in possession of all the facts before the interview.

2. I am to request that the orders may be communicated to all officers appointed by the Secretary of State subordinate too.

### **Attitude to be adopted by Government servants in the matter of popular elections.**

**110.**

*Ben., Appt., Cir., Nos. 851-62A.D., of 21-7-1915, to  
Commrs. of Divns., Dist. Judges, etc.*

As a result of the growth of representative institutions throughout the province, and the introduction of the elective principle in the constitution of certain local bodies, the question of the attitude to be adopted by Government officials in the matter of popular elections has recently acquired some importance, and the Governor in Council considers it desirable to remind all executive and judicial officers that any official interference in such elections is contrary to the general policy of Government.

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2. It is not intended that Government officers who have the right to vote in such elections should abstain from voting, but in the circumstances of this country there is a risk that, should Government officials take any prominent part in such elections, the electors may consider that their freedom of choice has been to a certain extent curtailed. His Excellency in Council accordingly desires it to be made known that he deems it undesirable that Government officials should take part in anything in the nature of an electoral campaign in connection with such elections, whether by attending election meetings or by canvassing for votes on behalf of any particular candidate..

3. These instructions should be communicated to all officers, including ministerial officers, who are subordinate to you.

**111.**

*Ben., Appl., Nos. 3384-3438A., of 8-5-1916.*

I am directed to refer to the circular No. 851A.D., dated the 21st July 1915, on the subject of the attitude to be adopted by Government officials in the matter of popular elections. It has been represented to Government that an order debarring ministerial officers from participation in anything of the nature of an electoral campaign would practically have the effect of preventing them from standing for election to local bodies. The Governor in Council has had under careful consideration the question whether ministerial officers of Government should be deprived in this way of this right, which those of them who are qualified under the election rules at present possess in common with other rate-payers. He has come to the conclusion that it is in most cases unobjectionable for such officers to stand for election, but that it is not unreasonable that, before doing so, they should be required to obtain the permission of the head of the office in which they serve. Such permission might be withheld on such grounds, as that the legitimate work of the officer as a Government servant would be interfered with, or that local circumstances rendered it undesirable that he should have any connection with municipal affairs. An officer who has obtained such permission will not be precluded from the exercise of reasonable electioneering activities in a private capacity on his own behalf, but will be held strictly responsible that no advantage is taken of his official position in order to extend his influence at the poll. I am to request that these instructions may be conveyed to ministerial officers of



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Government in modification of those communicated in the circular already quoted.

NOTE.—The attention of all officers was drawn to these orders in Appointment Department letters Nos. 2935-89 A.R., dated the 17th November 1920, and Nos. 1453-1504 A.R., dated the 4th August 1923.

### Participation of municipal and other employees of local bodies in Council elections.

**112.**

*Ben., Appt., Nos. 1989-93 A.D., of 27-10-1923, to Commrs.*

I am directed to address you on the subject of participation of employees of municipalities, district and local boards and other local authorities in elections to legislative bodies.

2. Under rule 23 (2) of the Government Servants' Conduct Rules, a Government servant who is a whole-time Government servant may not by canvassing or otherwise interfere or use his influence in any way in an election to a Legislative Council, except that he may record a vote, if he is qualified to do so, and in that case he should, as far as possible, avoid giving any indication beforehand of the direction in which he intends to vote. The employees of municipal and other local authorities are on a different footing from Government servants, and in the absence of any general or special order of the local authority which employs them they have the rights of ordinary citizens. It is, however, within the competence of such authorities to forbid their employees in the same way as Government have forbidden their officers from canvassing for a candidate seeking election to a Legislative Council and they are at liberty to issue orders to this effect, if they think fit to do so. The matter rests with the discretion of the local authority. I am to request that municipal and other local authorities in your Division may be informed accordingly.

### Naming of social or charitable institutions, etc., after Government officials.

**113.**

*Ben., Appt., No. 878-916 A.D., of 31-5-1920, to Commrs., et c.*

I am directed to refer to the circular No. 3G., dated the 5th March 1909, issued by the late Government of Eastern Bengal and Assam, which lays down that when a local officer

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is approached with a view to public or social institutions being named after him or to the founding of scholarships, medals or prizes to be called by his name, the fact should be reported for the orders of Government before consent is given. The question has again been under the consideration of Government and His Excellency in Council is pleased to direct that these orders should be treated as cancelled. I am to add that while it is incumbent upon Government officials to do nothing to encourage the practice in question and while they may appropriately be diffident in lending their names for the purposes referred to, the granting or withholding of consent in such cases is more a matter for their personal decision than one concerning the local Government; and it is thought appropriate that they should be at liberty to exercise their own discretion in dealing with such requests.

### Establishment of better relations between Government officers and the people.

#### 114.

*India, Home, Nos. 1435-45, of 28-7-1913. Ben., Appt., Nos. 4983-87 A., of 24-9-1913, to Commrs., Depts., etc.*

In paragraphs 673-74 of their report, the Royal Commission upon Decentralisation offered certain observations as to the necessity for taking measures to establish better relations between officers of Government and the people. This matter has been discussed frequently in recent years, both in the press and elsewhere, and the Government of India are aware that in all provinces instructions for the guidance of young officers in Indian etiquette have either been issued or are under preparation. The paramount necessity of displaying courtesy, tact and good temper in their dealings with the people with whom they are brought into daily contact has been more than once impressed upon all officers, European and Indian, both by local Governments and by the Government of India, and must be well known to all. But since the possession of these qualities has so significant a bearing upon the promotion of an officer and the lack of them constitutes so serious a disqualification, the Governor-General in Council desires again to impress the importance of this matter upon the Governor in Council and to inform him, with the Secretary of State's concurrence, that

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manifestations of grave defects of temper and repeated loss of self-control should be regarded as constituting inefficiency.

2. I am to request that these orders may be communicated to all officers serving in the Bengal Presidency.

### Attitude to be observed by Government servants in the matter of raising subscriptions.

**115.**

*Ben., Appt., Nos., 5781-99 A , of 30-4-1924, to Commrs. and Depts.*

I am directed to refer to the Political Department letter No. 2064 P.—D., dated the 20th June 1912, of which a copy is attached, in which instructions were issued regarding the attitude to be observed by Government servants in the matter of raising subscriptions. From incidents which have occurred from time to time, the Governor in Council is led to believe that these instructions, which have his full approval, have been either overlooked or imperfectly understood. It follows from the instructions referred to that when subscriptions are asked for, the greatest care must be exercised that nothing is said which on the one hand could be understood as implying a promise that in the event of a favourable response an attempt will be made to influence Government to show special favour to the donor, or, on the other hand, might cause it to be believed that the person who is asked to subscribe will incur displeasure or suffer in any way if he refuses to do so. The instructions that anything in the way of personal pressure or undue influence must be avoided apply to officers of all ranks and classes. Subordinate officers are sometimes apt to allow their zeal to outrun their discretion, and they should not be utilised for collecting subscriptions. Such appeals as are made should be made direct and not through subordinate Government servants. President-panchayats and presidents of union boards should not be asked to make collections from the people of their unions. These instructions apply as much to indirect methods, such as the sale of tickets for charity performances, as to the collection of money.

It should be unnecessary to point out that no Government servant should make the payment of a subscription to any object, however laudable, a condition of exercising his powers in a particular manner. Thus, it is wholly improper for an

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officer to make the payment of a subscription a condition of the grant or renewal of a gun license, of the withdrawal of a prosecution, or of permitting a criminal case to be compounded when it can be compounded only with the permission of the court. The Governor in Council considers that subscriptions should not be solicited from persons who come to officers or courts on official business or as litigants, and therefore directs that in future no subscription box should be kept in any court or Government office. I am to request that these instructions may be made known to all officers employed in your division and that you and the district officers will in the course of inspection enquire as to their observance. Should any case come to your notice in which they have been disregarded, I am to request that it may be reported to Government.

*Letter No. 2064 P.—D., dated the 20th June 1912, from the Chief Secretary to the Government of Bengal, to all Commissioners of Divisions.*

The orders issued from time to time by the Bengal Government as well as the late Government of Eastern Bengal and Assam regarding the participation of District and Subdivisional Officers in raising subscriptions for objects of public utility have recently been under examination, and I am now directed to communicate to you the following observations and orders which should supersede all previous instructions on the subject.

It is always to the public advantage for the local officers to comment to liberal-minded gentlemen schemes worthy of their support, and it is obviously undesirable that such officers should be discouraged from so doing or should be prevented from initiating or supporting movements for subscriptions to deserving public objects. At the same time, any excess of zeal in furthering a cause, however laudable, is liable to misconstruction, and is frequently seized upon by ill-disposed persons as a means of causing embarrassment to the administration. What officers in responsible position have to avoid is the appearance of exercising personal pressure or undue influence. There can be no objection to their issuing circulars asking for support to dispensaries, schools or similar institutions, as well as for such objects as memorials or funds which have been approved by higher authority, but their action in doing so should be formal in character, and any communication in the nature of a personal appeal should always be avoided. Superior officers will be held personally responsible for a strict adherence to these instructions on the part of their subordinates, and co-adjutors, when acting on their behalf, and for the prompt and stern repression of any abuse of authority.

3. I am to request that you will be so good as to convey the above instructions to all officers employed in your division, and to warn them that any dereliction of duty in this matter call for the serious displeasure of Government.

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**116.**

*Ben., Appt., Nos. 5489-5504A./6210-30A. of 20-6-1916.*

I am directed to forward, for your information and guidance, a copy of a resolution by the Government of India, Home Department, Nos. 1568-95, dated the 14th September 1915, in which they lay down the principles which should be observed in communicating to subordinate officers in civil employ unfavourable remarks made by their superior officers.

2. The two main principles laid down by the Government of India are—

- (1) that only those defects which are remediable and concerning the existence of which no doubt can exist, should be pointed out to the officer at fault; and
- (2) that the manner and method of communication should be such as to secure the maximum benefit to the officer, having regard to his temperament.

3. With reference to the question of the authority by whom the unfavourable remarks should be communicated to the officers concerned, it is important to notice that the Government of India have directed that when a report is built up on the individual opinions of different departmental superiors in gradation, it is only the opinion as accepted by the highest authority which need be considered from the point of view of communication. In view of these orders, the Governor in Council is pleased to direct that an unfavourable report shall not be communicated to the officer concerned, except by, or under the orders of the authority which submits the report to Government or the Board of Revenue, namely, the Commissioner, the head of the department or the District Judge, or, in the case of the Public Works Department, the Chief Engineer. His Excellency in Council leaves it to these high authorities, who have first-hand knowledge of the work of the officers reported on, to decide, with reference to the principles laid down by the Government of India, in which cases it is desirable to communicate unfavourable remarks to the officers concerned, and whether the communication should be verbal or written, and whether it should be made direct to the officer concerned or through an intermediate authority or through his immediate superior.

4. I am further to point out that the orders contained in paragraph 3 of the resolution refer only to annual reports,

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and do not in any way affect the right and duty of an officer to admonish his subordinates with a view to the eradication of faults which come to his notice in the course of his ordinary work. When a defect has already been pointed out in this way, it may not be necessary, on the occasion of the submission of the annual report, to communicate further with an officer concerning his defects. Each authority should, therefore, in reporting the existence of remediable defects in an officer, note the action which has already been taken or which it is proposed to take to cure them, so as to enable superior authorities and Government to decide whether any further action is necessary in connection with the annual report.

5. The orders now issued supersede those contained in paragraph 5, 6 and 7 of Government circular Nos 1604-12A., dated the 3rd March 1905.

*Resolution by the Government of India, Home Department, Nos. 1568-95, dated the 14th September 1915.*

The Governor-General in Council has had under consideration the question of the communication to subordinate officers in civil employ of such unfavourable remarks as may be made in regard to them by their superiors at the time of annual reports or on other occasions. The enquiries that have been made show that the procedure at present followed in different provinces, and even in different departments within the same province, is far from identical, and in the absence of any adequate reasons for this variety of treatment, and having regard to the inconvenience likely to arise upon the transfer of an officer from one province or department to another in which different rules on the subject are in force, His Excellency in Council considers that the matter should henceforth be dealt with on more uniform lines.

2. The diversity of practice which obtains is sufficient evidence of the difficulty of applying hard and fast rules to the subject, which is one of great importance both to the efficiency of administration and to the interests of the officers of Government; but while recognising that some measure of elasticity is a necessary corollary, the Government of India see no reason why, if certain guiding principles are laid down as appropriate to all departments and in all provinces, there should be any difficulty in giving general effect to them. The arguments on both sides are well known; in favour of free communication are the contentions that it is not fair to condemn a man behind his back, and that unless a man is told of his defects he has the less chance of rectifying them. On the other hand, in justification of the exercise of discretion in the extent and manner of communication, it may be urged that if every unfavourable comment is to be passed on, superior officers will be apt to refrain from giving candid opinions on the merits of their subordinates, which would be an undesirable consequence; secondly, that the communication of remarks, in many

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cases will only lead to defences, objections and friction; thirdly, that superior officers can be trusted not to make improper use of the system of confidential reports. None of these considerations is without weight, especially as a general picture of an officer's merits or demerits, so far as the reporting authority has had full opportunity of judging of them, must be regarded as of considerably more value than a report under certain specified headings which has a tendency to become stereotyped and lifeless. But it is the descriptive report which is apt to contain remarks of which it is inexpedient to apprise the officer concerned. Again, there may be good reasons why the departmental head or any other authority dealing with the report should withhold final judgment; he would in such cases be well advised to await a subsequent report, which might either modify or corroborate previous criticisms; in the former event no harm will have been done to the officer concerned; in the latter it would then be time enough to address him. It is also the case that at the time of report many observations upon ability and temperament suggest themselves which it is useless to convey to the officer reported upon. Such defects may be irremediable and their publication would only embitter or discourage the recipient. Further, the method of communication is often a consideration of much importance. The best form is frequently a personal letter giving credit for what is good, while instancing what requires to be corrected. The annual enumeration of defects, without any acknowledgment of useful work done, may only lead to discouragement and soreness and do more harm than good. There is often a marked resentment of criticism on the part of a good officer which, however unreasonable, is genuinely felt and may have a prejudicial effect on his future efficiency. For this reason the method to be employed in pointing out to an officer his particular shortcomings should be determined by a consideration of his individual temperament. Finally, in many, possibly the majority of, cases, the superior officer has already, in one shape or another, made the defect or defects brought to notice the subject of warning or remonstrance. Examples of the fault or shortcoming will have occurred in daily work and will have been commented upon at the time, and it is therefore most desirable that a reporting officer should always state explicitly whether the attention of his subordinate has already been drawn to the defects noticed. Such an obligation would in itself tend to make the superior officer careful to avoid hasty and superficial comments.

3. In view of these considerations, His Excellency in Council, with the approval of the Secretary of State, is pleased to direct that—

- (a) when a report is built up on the individual opinions as noted of different departmental superiors in gradation, it is only the opinion as accepted by the highest authority which need be considered from the point of view of communication;
- (b) as a general rule in no case should an officer be kept in total ignorance for any length of time that his superiors, after sufficient experience of his work, are dissatisfied with him;

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in cases where a warning might eradicate or help to eradicate a particular fault, the advantages of prompt communication are obvious; where criticism is to be withheld, the final authority to consider the report should record instructions, with reasons, according to the nature of the defect discussed, as to the period for which communication is to be kept back;

- (c) only those defects need be pointed out which can be remedied, since it would serve no useful purpose to communicate such criticisms as lack of ability or intelligence;
- (d) the reporting officer should specifically state whether the defects reported have been already brought in any other connection to the notice of the officer concerned;
- (e) remarks in cases in which the local Government or head of a department or other officers suspends judgment should not be communicated;
- (f) great attention should be paid to the manner and method of communication in order to ensure that the advice given and the warning or censure administered, whether orally or in writing, shall, having regard to the temperament of the officer concerned, be most beneficial to him.

4. The above procedure should govern reports of a periodical nature. There are others which may either be—

- (i) reports of particular incidents or acts which, if disciplinary action is taken, require either regular proceedings or definite censure after the defence of the officer concerned has been taken;
- (ii) reports in reply to inquiries whether an officer who has not been well reported on in the past has improved and is fit for promotion; or
- (iii) reports in answer to requests for opinions as to the fitness of an officer for a particular appointment, etc.

No special instructions are necessary in respect of the first class, and as regards the others, the Governor-General in Council considers that they should not be communicated unless they disclose facts or allegations which, in the opinion of the local Government, should be conveyed to the officer concerned. If such remarks were invariably communicated, there is little doubt that reporting officers would be discouraged from giving unreserved advice, and opinions of value would be thereby lost.

5. There remains the question of the treatment of military officers in civil employ. His Excellency in Council is pleased to direct that such of these officers as are not in permanent civil employ should be dealt with under the King's Regulations, while those who are, should come under the rules applicable to the civil officers of the departments in which they are serving.



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6. These orders will not apply to military medical officers, who will continue to be governed by the orders conveyed in the Home Department letter Nos. 251-60, dated the 14th May 1914, but for the rest the standing provincial or departmental instructions and rules should, as soon as possible, be revised with the view of embodying in them the principles now laid down.

**ORDER.**—Ordered that a copy of this resolution be forwarded to all local Governments and administrations noted below, the several departments of the Government of India (including the office of the Financial Adviser, Military Finance), the Superintendent, Port Blair, the Director-General, Indian Medical Service, the Registrar, High Court, Calcutta, the Director, Criminal Intelligence, the Administrator-General, Bengal, and the Official Trustee, Bengal, for information:—

Madras, Bombay, Bengal, United Provinces, Punjab, Burma, Bihar and Orissa, Central Provinces, Assam, Coorg, and Delhi.

### Money-lending, trading and holding of land by members of the Civil Service.

**117.**

*India, Home, Res. No. 11/426-37, of 17-3-1882. Ben.,  
Judl., Nos. 1481-90 J., of 27-3-1882, to Commrs.*

In a letter dated the 15th August 1881, the Bengal Government referred, for the consideration of the Government of India, a question which had arisen in connection with an application made by a member of the Native Civil Service for permission to lend money beyond the limits of the district in which he was employed. It was pointed out that the existing legislative provisions prohibiting trading and money-lending in the case of members of the Covenanted Civil Service appeared to apply equally to natives of India appointed to the Civil Service under the provisions of 33 Vic., Cap. III, section 6, and that the particular application made by a member of the Native Civil Service for permission to lend money was accordingly inadmissible. At the same time it was suggested that some relaxation of the existing rule might be desirable in the case of natives of India appointed to the Civil Service under the provisions of the above statute, and His Honour the Lieutenant-Governor recommended that a general rule should be issued permitting members of the Native Civil Service to invest money in landed securities, provided that the transaction was

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negotiated through a respectable firm of solicitors at the Presidency town, and that the Commissioner of the Division was informed at the time of the transaction.

2. After a careful consideration of the question, and of the replies received from local Governments and administrations whose opinions were invited upon the recommendation made by His Honour the Lieutenant-Governor of Bengal, the Governor-General in Council has arrived at the conclusion that, as regards trading and lending or borrowing money there is no sufficient reason why members of the Native Civil Service should be placed under different rules from Covenanted Civil Servants generally. The rules therefore upon these subjects, which at present apply to members of the Covenanted Civil Service, should be held to apply also to natives of India appointed to the Civil Service under the provisions of 33 Vic., Cap. III, section 6.

3. As regards the holding of land the case is different, inasmuch as members of the Native Civil Service do at the present time, in some cases, hold land in the provinces in which they are employed, and it appears unnecessary to require them to divest themselves of such land, or to prevent them from acquiring additional landed property, provided that certain restrictions are observed. In these respects the rules at present applicable to members of the Covenanted Civil Service may, in the opinion of the Government of India, properly be relaxed in the case of members of the Native Civil Service, who should be permitted to hold any lands actually in their possession when they enter the service of Government, or which may come into their possession thereafter by inheritance, gift or demise, provided that full information in respect of such lands is given to the local Government, which will consider in each case whether the fact of an officer holding any particular lands need be a bar to his employment in the district where these are situated. No fresh *purchase* of land should, however, be allowed on the part of a member of the Native Civil Service without the previous sanction of the local Government under which he is serving.

**118.**

*India, Home, No. 26-1097, of 21-7-1882. Ben., Judl.,*

*Cir. No. 40 J., of 11-8-1882, to Commrs.*

In continuation of Home Department resolution No. 11/426-37, dated the 17th March 1882, relating to the extent

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to which the rules as regards trading, money-lending and the holding of land applicable to members of the Covenanted Civil Service should be held to apply also to natives of India appointed to Civil Service under the provisions of 33 Vic., Chapter III, section 6, I am directed to forward, for the information of His Honour the Lieutenant-Governor, a copy of a despatch from Her Majesty's Secretary of State for India, and with regard to its second paragraph to observe that it will doubtless be understood that only *bonâ fide* gifts from relatives or near friends are recognised as permissible.

*Despatch No. 68, dated the 8th June 1882, from the Secretary of State for India.*

I have had under my consideration in Council your despatch No. 17, dated the 4th April, transmitting (along with other papers on the subject) Your Lordship's resolution of the 17th of March last, as to the extent to which the rules as regards trading, money-lending, and the holding of land at present applicable to members of the Covenanted Civil Service should be held to apply also to natives of India appointed to the Civil Service under the provisions of St. 33 Vic., Chapter III, section 6.

2. The conclusions at which your Excellency in Council has arrived meet with my general approval, some relaxation of the existing rules being probably necessary in the case of members of the Native Civil Service. I would, however, call attention to the word "gift" as used in your resolution. The meaning which Your Excellency intended to attach to the word is indicated by the context, which relates to inheritance and demise. But it seems to me that care is necessary in order to prevent its being read in a wider sense than is warranted by the language of the resolution when properly construed.

### Indebtedness and insolvency of public officers.

**119.**

*Orders by the Hon'ble the Vice-President in Council,  
J. and R. No. 1372, of 14-7-1834.*

A number of orders have been issued from time to time on the subject of the indebtedness and insolvency of public officers. Two of the principal resolutions have been reproduced in the "Board's Rules." The rest are quoted here.

The first order was as follows :—

"The Principal Sudder Ameens, Sudder Ameens and Munsifs and the Deputy Collectors appointed under the provisions of regulation IX of 1833, are hereby prohibited, under

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pain of dismissal from office, from employing or retaining on their establishment any person being their private creditor, or any relative, dependent or surety of such creditor; and from borrowing money from, or in any way incurring debt to any zamindar, talookdar, raiyat or other person possessing real property, or residing in, or having a commercial establishment within, the city, district, or division to which their authority may extend.

If any of the Principal Sudder Ameens or other of the officers above mentioned, who may be now in debt, shall at the expiration of one year from the publication of this order, be still indebted to any person from whom it would, at such period, be illegal for him to borrow under the above rule, it shall be incumbent on such officer to make known the circumstances to the Zilla or City Judge, or to the Collector to whom he may be subordinate, for communication to the Government if the officer be a Principal Sudder Ameen, Sudder Ameen, or Deputy Collector, and to the Sudder Dewannee Adawlut, if the officer be a Munsif; and in the event of intimation not being so given, the same penalty shall attach to the said officer, as if the debt had been incurred subsequently to the publication of this order.

In like manner, if any person who may be candidate for the office of Principal Sudder Ameen, Sudder Ameen, Munsif or Deputy Collector, shall at the time of applying for such office, be indebted to any person with whom it will be illegal for him to contract a loan while holding it, it shall be incumbent on such person, in preferring his application, to make known the circumstance to the Judge of the City or district or to the Collector, for communication to superior authority, as before stated; and failing to do so, he shall, in the event of his being appointed to the said office, be subject to the same penalty as if the debt had been contracted subsequently to his appointment."

**120.**

*India, Home, Progs. No. 102, of 12-1-1856.*

The next order, in 1856, ran thus :—

" *Resolution.*—The Governor-General in Council resolves that all heads of offices at the Presidency having establishments in the pay of Government be directed to impress upon their subordinates the discredit attaching to a resort to the Insolvent

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Court, and to warn them that such a proceeding will be considered as if itself constituting a sufficient cause for exclusion from the public service, unless it shall appear that the embarrassments of the insolvent have been the result of unforeseen misfortunes or of circumstances over which he could exercise no control, and have not proceeded from dissipated or extravagant habits."

#### 121.

*Ben., Judl., Nos. 1579-82, of 9-3-1869, to all Offrs., and Depts.*

• The Government of Bengal issued the following circular :—

"I am directed to state that the Lieutenant-Governor desires that all heads of offices, having establishments in the pay of this Government, should make their subordinates distinctly understand that all public servants, arrested for debt or having recourse to the Insolvent Court, will be deemed to have forfeited their appointments, unless it can be shown that their embarrassments have been the result of unforeseen misfortunes or of circumstances over which they could exercise no control, and have not proceeded from dissipated or extravagant habits. There is already a standing order to this effect, but the Lieutenant-Governor has reason to believe that it is not very strictly observed. His Honour desires that it should henceforward be rigorously enforced, and also that every case, in which a servant of Government is arrested for debt or resorts to the Insolvent Court, should be invariably reported for the information of Government, with a copy of the Schedule filed in the Insolvent Court when recourse is had to that Court."

#### 122.

*India, Home, Nos. 4952-60, of 28-10-1869.*

The Government of India in the same year reissued the orders of 1834 as follows :—

"It having been brought to the notice of His Excellency the Governor-General in Council that it is not sufficiently well understood that uncovenanted as well as covenanted servants of Government are not to be permitted to borrow money from native residents in the district in which they may be employed, I am directed to draw your attention to the point, and to request that if orders have not already been issued on the subject,

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they may now be promulgated in the sense of those of the Hon'ble the Vice-President in Council, No. 1372, dated 14th July 1834, a copy of which is herewith forwarded for facility of reference." (*Vide the first order under this head.*)

#### 123.

*India, Home, No. 1899 (Pub.), of 25-4-1872. to Chief Commr. of Oudh, and No. 1902 of same date.*

The Government of India wrote again as follows :—

" I am directed to acknowledge the receipt of your letter No. 3980, dated the 28th August last, on the subject of the ruling by which uncovenanted officers are prohibited from borrowing money from natives of the districts in which they are employed, and in reply to state as follows.

2. What the Government of India intended in the orders of the 28th October 1869 by the words ' uncovenanted officers ' was generally all officers to whom the Uncovenanted Service leave and pension rules are applicable, including members of ministerial establishments. And such a definition is no doubt better than the one suggested in paragraph 3 of your letter, *viz.*, officers whose names appear in the Oudh Civil List. Such a limit would exclude from the operation of the rule many uncovenanted officers whom it is expedient to subject to it. That subordinate officers employed in the Revenue Settlement should consider themselves exempt from the general prohibition would be anomalous and possibly mischievous.

3. It is so difficult to fix a limit, including some and excluding others of the uncovenanted class, that the Governor-General in Council considers it right to maintain the rules as applicable to all to whom the uncovenanted pension and leave regulations apply. But it should be clearly understood that this will not interfere with the discretion of the head of an office in allowing his subordinate ministerial officers to borrow in exceptional circumstances from persons with whom transactions would under the rule be ordinarily inadmissible."

#### 124.

*India, Home, Cir., Memo., No. 67 (Pub.)/282, of 19-11-1874.*

In 1874 the Government of India invited the attention of the Secretary to the Government of Bengal to the resolution of

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12th January 1856, and suggested that the Registrar or head of his office be held responsible for reporting to the Secretary in charge or to the chief of the department the insolvency of clerks or other assistants in the Bengal Office.

125.

*India, Home, Res., No. 2/77-102, of 19-1-1884.*

The Government of India in 1884 reissued previous orders and added to them as follows :—

*“Resolution.*—In the resolution of January 1856, cited above, heads of offices having establishments in the pay of Government were directed to impress upon their subordinates the discredit attaching to a resort to the Insolvent Court and to warn them that such a proceeding would be considered as of itself constituting a sufficient cause for exclusion from the public service, unless it should appear that the embarrassments of the insolvent had been the result of unforeseen misfortune or of circumstances over which he could exercise no control and had not proceeded from dissipated and extravagant habits. By a circular memorandum No. 67/2816-2821, dated the 19th November 1874, heads of departments under the Government of India were requested to hold the Registrar or head of the office responsible for reporting to the Secretary in charge “or to the chief of the department the insolvency of clerks or other assistants.

2. As there is reason to believe that the operation of these orders has to some extent been lost sight of, the Governor-General in Council, in reproducing them, desires to direct the attention of all local Governments and heads of departments to the imperative duty which devolves upon them of taking severe notice of the misconduct of clerks and other employes who allow themselves to fall into embarrassed circumstances. It is no valid excuse for hopeless indebtedness to show that it has been caused by standing security for friends, the plea which is frequently put forward in such cases. Assistants in Government offices should clearly understand that, if they voluntarily contract debts or obligations which they are unable to meet, they render themselves liable to summary dismissal.”

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**126.**

*India, Home, Res., No. 22 (Pub.)/637-53, of 16-3-1888.*

In 1888 the Government of India issued a further resolution on the pecuniary relations of gazetted Government officers with persons who are subject to their authority. The resolution is reproduced in the "Board's Rules".

**127.**

*India, Home, Res. No. 29 (Pub.)/1770-92, of 8-10-1889. Ben., Judl., No. J. 17 R./6-24, of 26-11-1889, to all Offrs. and Depts.*

The Government of India issued another resolution on the indebtedness of clerks, as follows:—

"*Resolution.*—In the resolution of January 1884, cited in the preamble, the Governor-General in Council invited the attention of all local Governments and heads of departments to the imperative duty which devolves on them on taking severe notice of the conduct of clerks and other employés who allow themselves to fall into embarrassed circumstances, and it was pointed out that assistants in Government offices should clearly understand that, if they voluntarily contract debts or obligations which they are unable to meet, they render themselves liable to summary dismissal.

2. His Excellency in Council has reason to fear that the tenor of these orders has not always been properly understood, and desires to supplement them by more definite instructions as to what constitutes such a state of indebtedness as to render it undesirable that a person should be retained in the public service. The Governor-General in Council accordingly directs that, where half the salary of a Government official is constantly being attached for debt, or has been continuously under attachment for more than two years, or is attached for a sum which, under ordinary circumstances, it will require more than two years to repay, a full schedule of the officer's debts should be obtained by the head of the office, and the case dealt with in the same way as if the debtor had taken advantage of the Insolvency Court. In such cases it should be specially ascertained—

- (1) what is the proportion of the debts to the salary and the extent to which they detract from the debtor's efficiency as a public servant;



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- (2) whether the debtor's position is irretrievable;
- (3) whether it is desirable under the circumstances to retain him—
  - (a) in the particular post he occupies, or
  - (b) in any position under Government.

It will be for local Governments and the different departments under the Government of India to issue subsidiary directions to officers subordinate to them as to the authority to which the schedule of debts and the report on it should be submitted for orders."

### 128.

*India, Home, No. 12 (Pub.)/1556 of 31-5-1892, to Madras Govt. Ben., Appnt., Cir. No. 8A., of 12-8-1892. to all Officers.*

In reply to a reference from the Government of Madras, the Government of India made the following explanation:—

"I am directed to acknowledge the receipt of your letter No. 193, dated the 24th March 1892, enquiring whether the orders contained in Home Department resolution No. 22/657-53, dated the 16th March 1888, prohibiting public officers, under pain of dismissal, from taking loans from persons subject to their official authority or influence, should be regarded as cancelling the orders noted below, and whether uncovenanted officers holding non-gazetted appointments are permitted to borrow money from their subordinates:—

Home Department circular No. 4952-60, dated the 28th October 1869.

Home Department letter No. 1899, dated 25th April 1872.

2. In reply, I am to say that the orders contained in the resolution of 16th March 1888 had reference to gazetted officers only, and were not intended to cancel the orders of the 28th October 1869 and the 25th April 1872, which apply to uncovenanted non-gazetted officers. I am to explain that the difference between the orders of the 16th March 1888, affecting gazetted officers, and those in the circulars of the 28th October 1869 and 25th April 1872, affecting non-gazetted officers, is

## APPOINTMENTS.

### Conduct of Public Officers.

that in the former case the prohibition is absolute, while in the latter it may be relaxed in exceptional cases at the discretion of the head of the office (subject to the control of the local Government), as explained in paragraph 3 of Home Department letter No. 1899 of the 25th April 1872."

#### 1 29.

*India, Home, No. 32 (Pub.)/1541-42 of 9-10-1896, to  
N.-W. P. and Ben.*

The Government of India wrote further on the indebtedness of public officers to the North-Western Provinces Government as follows :—

"I am directed to acknowledge the receipt of your letter No. 2700, dated the 28th August 1896, submitting, for the consideration of the Government of India, a proposal that the Home Department resolution No. 22 (Pub.)/637-53, dated the 16th March 1888, containing orders on the subject of the pecuniary relations of Government officers with persons who are subject to their authority, should be amended in order to place native public servants under the same obligation to disclose their indebtedness in districts to which they may be under orders of transfer, as is imposed on covenanted servants by section 6 of Bengal Regulation VII of 1823; and also suggesting that no distinction should be made, so far as the orders of 1888 are concerned, between the taking of loans and excessive indebtedness to tradesmen.

2. In reply, I am to say that the Government of India entirely agree with the opinion expressed by His Honour the Lieutenant-Governor and Chief Commissioner, that it should be obligatory on native public servants to disclose to Government their indebtedness to individuals resident in districts to which they may be under orders of transfer. Although section 6 of Bengal Regulation VII of 1823, which contains directions in the matter, is only applicable to covenanted servants of Government, the principle is one which should be extended to native officers also, and this indeed is implied in the Home Department resolution of the 16th March 1888. The Governor-General in Council would therefore approve of orders being issued by the Government of the North-Western Provinces and Oudh, if it should consider it desirable to do so, laying down

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distinctly the responsibility of officers other than members of the Indian Civil Service in this respect. At the same time, His Excellency in Council does not consider it necessary to amend the resolution of the Government of India, which is drafted in general terms, and was never intended to preclude the issue of supplementary instructions by a local Government.

3. The question raised in regard to trade debts involves more difficult considerations, and the Government of India have no desire to limit the discretion which they think is rightly left to local Governments in dealing with particular cases. It is the degree of indebtedness, as pointed out by His Honour the Lieutenant-Governor and Chief Commissioner, which would indicate the desirability of interference in any case, but the character of such interference and the measures called for on the part of Government either to restrain individual officers or to avert a public scandal, are matters for determination with reference to the circumstances of each particular case. The Governor-General in Council, while agreeing with His Honour that 'excessive indebtedness' is a very serious disqualification for Government service, considers that it would be impossible to frame a precise definition of that expression applicable to all cases, and that it is not advisable to lay down a general rule that such indebtedness shall be punishable by dismissal from the service of Government."

### 130.

*Ben., Judl., Nos. 5757-60J., of 25-11-1896, to all Officers, and Depts.*

The Bengal Government issued the following general orders:—

"The resolution of the Government of India in the Home Department No. 22/637-53 of 16th March 1888, forwarded to you with the circular from this office No. 16J., of 18th April 1888, contains orders prohibiting, under pain of dismissal, all public officers holding civil appointments from taking loans from, or otherwise placing themselves under pecuniary obligations to, persons subject to their official authority or influence, or residing, possessing property or carrying on business within the local limits for which they are appointed, and in the subsequent letter from that department, No. 12 (Pub.)/1556 of the

## APPOINTMENTS.

### Conduct of Public Officers.

31st May 1892, communicated with this office circular No. 8A. of 12th August 1892, it was explained that the orders of 16th March 1888 were not intended to cancel the previous orders of the Government of India noted below, prohibiting uncovenanted non-gazetted officers, including members of ministerial establishments, from borrowing money from native residents in the district in which they may be employed :—

- (1) Home Department circular No. 4952-60, dated the 28th October 1869.
- (2) Home Department letter No. 1899, dated the 25th April 1872.

2. The Government of India have now decided that it should be obligatory on native public servants to disclose to Government their indebtedness to individuals resident in districts to which they may be under orders of transfer. Although section 6 of Bengal Regulation VII of 1823, which contains directions in the matter, is only applicable to covenanted servants of Government, the principle is one which should, in the opinion of the Supreme Government, be extended to uncovenanted native officers also, and the Lieutenant-Governor therefore desires that the responsibility of such officers in this respect may be distinctly explained to them.

3. I am to observe further that excessive indebtedness of public officers to tradesmen is a very serious disqualification for Government service, but that, while it is not desired ordinarily to interfere in matters connected with trade debts, it will be within the descretion of District Officers and heads of departments to report to Government\* cases in which the degree of indebtedness is such as to threaten or give rise to a public scandal."

**131.**

*India, Home, Res., No. 1032-49, of 9-6-1897.*

In 1897 the Government of India issued another resolution on the subject of pre-existing indebtedness of officers, etc. The resolution is reproduced in the "Board's Rules."

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\*The authority to pass final orders was delegated to heads of departments, etc., in 1910 (see Order No. 132).

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### Conduct of Public Officers.

**132.**

*Ben., Judl., Nos. 3012-18 J., of 23-11-1910, to Board, Depts., Commrs., Dist. Judges, Dist. Magtes., etc.*

In accordance with the recommendation of the Board of Revenue, the Government of Bengal authorised all heads of departments and gazetted heads of offices to pass final orders, subject to appeal to Government, in cases of serious indebtedness and insolvency of non-gazetted officers subordinate to them.

2. The orders contained in the Judicial Department circular Nos. 5757-60 J., dated the 25th November 1896,† were accordingly cancelled.

### Facilities for officers in England.

**133.**

*Ben., Appt., Nos. 12035-12285-A., of 20-10-1925 to all I. C. S. and Indian (Imperial) Police Officers of 22 years service and below.*

The High Commissioner for India has recently drawn the attention of the Government of India to the difficult position in which he is placed when officers on leave in England approach him with a request to obtain facilities of one kind or another for them. The High Commissioner desires that officers should not approach him with a request for facilities without the authority of a Local Government or the Government of India. In the absence of a recommendation from such an authority, there is a danger on the one hand of facilities being obtained quite unnecessarily and on the other of authorities in England being harassed by officers seeking their own advancement to the exclusion of those to whom Government desire that facilities should be accorded. I am accordingly to say that if you desire to obtain the assistance of the High Commissioner in securing facilities for study while on leave in England, you should apply for such assistance through the Local Government.

## APPOINTMENTS.

### Landed Property of Public Officers.

**Maintenance of registers of possession of landed property by all officers.**

**134.**

*Ben., Judl., Res. No. 11 J.D. with Nos. 12-28 J.D., of  
22-4-1896, to all Offrs. and Depts.*

The main orders in force regarding the possession of landed property by officers of Government are reproduced in the Board's Rules. Subsidiary orders regarding the maintenance of registers were issued by the Government of Bengal as follows :—

“ The Lieutenant-Governor has reason to believe that the orders communicated by the Government of India in Home Department letter No. 21-799, dated the 13th May 1885, and No. 33-2407, dated the 11th September 1888, regarding the connection of public servants with land-holding and commercial speculation in India, have, in many cases, been lost sight of, and that there has been much laxity in complying with the rules laid down. His Honour therefore directs the republication of those orders with this resolution, and gives warning that the violation of them, directly or indirectly, by any public servant will lead to the most serious notice of his conduct on the part of Government.

2. Under paragraph 5 of the circular of 13th May 1885, it is directed that officers of all classes must be required to make a declaration of the fact of their being in possession of, or of their having acquired, landed property, stating the district within which it is situated, with such other particulars as may be considered necessary, of which registers should be kept by the local Governments concerned.

3. In accordance with these orders, a statement is maintained and periodically submitted to Government showing the landed property owned by—

- (1) the native members of the Indian Civil Service,
- (2) officers of the Statutory Civil Service;
- (3) officers of the Provincial Executive Service;
- (4) officers of the Subordinate Executive Service.

4. Under High Court's General Order, dated the 14th March 1889, a register is prescribed under which all Subordinate Judges and Munsifs are required to furnish an annual

## APPOINTMENTS.

### Landed Property of Public Officers.

statement to the High Court of the immoveable property they possess. This corresponds to the statement kept up by Government for executive officers.

5. It has been ascertained that in the office of the Inspector-General of Civil Hospitals a register is kept up of landed property owned by officers in superior service.

6. In the Police Department, rules are laid down (*see* pages 31 and 32 of the Bengal Police Code) under which District Superintendents keep a register of all lands held by police officers in superior service (*i.e.*, 3rd grade head constables, and officers of higher rank) and also by their wives and dependants. A similar register is kept up for clerks and muharrirs. These are revised once a year, and it seems that nothing further is required in regard to officers under the police.

7. In the Jail, Registration, and Education Departments, it does not appear that any register is kept up, and separate orders are under issue to the heads of the departments concerned. Separate consideration will be given to this question in the Public Works Department in regard to the officers employed in that department, and to the engineering establishment employed under District Boards.

8. Special orders were contained in this Government circular No. 50, dated the 26th August 1879, prescribing a Form of Register for ministerial officers, which appears to be identical with registers Nos. 45 and 45 A, prescribed by the Board for ministerial officers under the Collector, and non-gazetted tahsildars of Government estates. These orders were addressed to all Commissioners, District Judges, and Magistrates and Collectors, and enjoin that a statement should be kept up and annually submitted to Commissioners and Judges in the form attached, showing the immoveable property held by ministerial officers subordinate to them. It was explained in a subsequent circular No. 47 J., dated the 7th September 1881, that there was no objection to ministerial officers acquiring as well as holding immoveable property in the districts in which they are employed, provided that such purchases were made openly and were effected in the ordinary course and that the officers in question neither purchased nor took any part in the sale of property which had been the subject of litigation in the courts in which they were employed, or in courts subordinate to those courts. The object of this statement is to enable heads

## APPOINTMENTS.

### Landed Property of Public Officers.

of offices to assure themselves that their subordinates do not contravene the orders of Government on the subject, and that they are not investing such a large sum of money in the purchase of property as might raise a suspicion of their honesty, or indicate any undue exercise on their part of the influence which on account of their official position they may be supposed to possess.

9. The Lieutenant-Governor fears that these orders have escaped notice, and that the prescribed registers have occasionally fallen into desuetude. He desires, therefore, to recall the particular attention of all Commissioners, District Judges, and heads of departments to the necessity of maintaining these registers and of insisting on their periodical submission for inspection by them."

**135.**

*Ben., Appt., Nos. 3404-18 A., of 20-7-1911, to all Offrs.  
and Depts.*

I am directed to invite your attention to the instructions contained in the resolution by the Judicial Department of this Government, No. 11 J.D., dated the 22nd April 1896.

The Lieutenant-Governor in Council has reason to believe that the periodical reports of mutations contemplated in the resolution have been neglected. It has therefore been decided to revise the register of landed property which is maintained in the Appointment Department. I am accordingly to request that you will be so good as to obtain from each officer of the Provincial and Subordinate Civil Services, serving under you, a statement, in the revised form herewith enclosed, of all immoveable property held by him or by his wife or by any member of his family living with, or in any way dependent upon him. The statements should be submitted to Government at an early date. In cases where no property is possessed, officers should return blank forms.

2. I am to add that the attention of all these officers should be drawn to rule 10 of the Government Servants' Conduct Rules, 1904 (copies enclosed),\* which requires that the acquisition of any immoveable property should be immediately reported to Government, and that they should be reminded of the necessity of following this rule with strictness in future.



**APPOINTMENTS.****Landed Property of Public Officers.***Statement of Landed Property.*

Name.	District and subdivision in which the property is situated.	Nature* of property and extent of interest held.	State whether the interest is sole or joint.	If not in own name, state in whose name held, and whether wife or other connection.	How acquired, whether by purchase, inheritance or otherwise.	If held under superior landlord, his name and place of residence with district.	Annual value of interest.	Remarks.
1	2	3	4	5	6	7	8	9

\* Here enter proprietary right, *pattni* sale right, etc.

**136.**

*Ben., Nos. 12524-528 A. of 24-11-1923, to all Commrs.*

I am directed to invite a reference to the Appointment Department circular letter Nos. 3404-17 A., dated the 20th July 1911, regarding the submission of statements of landed property owned by officers for incorporation in the register maintained in the Appointment Department.

2. Government have reason to believe that the instructions contained in the circular have been neglected, with the result that no reports of acquisition of landed property by any officer were received in the Appointment Department in 1922. Government are therefore convinced that to ensure compliance with the orders it is essential that each officer concerned should furnish an annual statement in the prescribed form. In future a register will be maintained in the Appointment Department in respect of landed property owned by Indian members of the Indian Civil Service, by officers holding listed posts of Collectors and by members of the Bengal Civil Service (Executive). I am to request that you will be so good as to obtain from each officer of the above services serving in your division, whether employed in the general line or in a special department, such as settlement or co-operative, a statement in the form herewith enclosed, of all immoveable property held by him or by his wife or by any member of his family living with him or in any way dependent upon him. The statements should be submitted to Government not later than the 1st March 1924.

## APPOINTMENTS.

### Death Returns of Public Officers.

3. For subsequent years each such officer should submit a similar return in the first week of January to the Collector of the district (officers serving in special departments in Calcutta reporting to the Collector of Calcutta) in which he is serving if any change has occurred during the past calendar year. If there has been no change, he will report the fact. Officers on leave will furnish the return or report to the Collector of the district in which they were last serving. Collectors will forward these returns and reports to Commissioners by the 1st February. It will be convenient if the returns from each division are collected and submitted together by the 1st of March in each year.

4. In regard to Sub-Deputy Collectors for whose posting Commissioners are responsible, records should be similarly maintained by each Divisional Commissioner from information obtained annually from the officers concerned through the District Officers in accordance with the procedure indicated in paragraph 3 above. When a Sub-Deputy Collector is transferred to another division, this record, together with his character roll, should be forwarded to the Commissioner of the division, or, in the event of his transfer to a special department, *e.g.*, to the Settlement Department, to the head of that department, who will be responsible for its maintenance and correction up to date. For purposes of reference, information in the following form will be included in the character rolls :—

#### PROPERTY.

Dacca	...	House property.
Mymensingh	...	Inherited property.
Bankura	...	Purchased land.

**NOTE.**—The Inspector-General of Police was directed, in No. 12543 A., of the same date, to maintain records in the prescribed form in respect of Deputy Superintendents and officers holding listed posts of Superintendents.

### Death Returns of European uncovenanted officers and European pensioners.

**137.**

*India, P. W. D. Cir. No. 6, of 14-6-1870. Ben., Gent., Cir.  
No. 21, of 3-11-1870, to Commrs., etc.*

At the request of the Secretary of State, local Governments were asked to direct that the death of all European officers not.

## APPOINTMENTS.

### Death Returns of Public Officers.

belonging to one of the covenanted services be immediately reported to them, and to forward such report, without delay, to the India Office. The Local Government prescribed the annexed form for adoption by the Heads of Departments in reporting the deaths of officers subordinate to them to the Secretary, General Department.

*“ Return of the death of a European uncovenanted officer of Government in the district of \_\_\_\_\_ under the orders of the \_\_\_\_\_ ”*

Name of deceased.	Date of death.	Place of death.	Occupation at the time of death.	Probable age at the time of death.	Native village and country of deceased, if known.	Particulars of family as far as known, if any, relative in the country.	If any property left, and in what country.	Remarks.
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NOTE.—This statement was subsequently superseded (*see* Order printed as No. 144 on page 227 *post*).

### 138.

*India, Home, No. 1329, of 9-3-1871.*

Local Governments were subsequently informed that the returns should be submitted to India Office, through the Government of India, and that the deaths of European pensioners should be reported.

### 139.

*India, Home, No. 1/124, of 27-5-1884.*

The Government of India asked for the returns to be prepared for each month and despatched to their office on the 1st of the following month, or as soon after as possible.

### 140.

*India, Home, No. 1/58, of 3-3-1885.*

The Local Government was informed that blank returns were not required.

## APPOINTMENTS.

## Death Returns of Public Officers.

**141.**

*India, Home, No. 1/275, of 24-5-1894. Ben., Genl., Cir.  
No. 6 and Nos. 1911-19 of 6-6-1894.*

The heading of the return was changed to—

*"Return of deaths of European officers not members of the Civil Service of India, and pensioners in the month of—"*

**142.**

*India, Home, No. 3 Estbt./465, of 11-6-1896. Ben., Genl., Cir.  
No. 1 T.G.; and Nos. 328-36 T.G., of 22-6-1896.*

On a reference made, the Government of India directed that the deaths of military officers in civil employ need not be included in the returns, but should be reported by the civil authorities to the Officer Commanding the nearest military station.

**143.**

*India, Home, No. 811, of 9-7-1909. Ben. Genl., (Mis.),  
Nos. 2949-66, of 5-8-1909, to Depts., Commrs., etc.*

Later, the Government of India requested that instructions may be issued to insure that the above orders are carefully and promptly followed, and that in the report to the Officer Commanding may be stated, if possible, the date, cause, and place of death of the deceased officer.

### Death Returns of European covenanted officers and pensioners.

144.

*India, Home, No. 715, of 28-6-1910. Ben., Genl. (Mis.), Cir. No. 28 and Nos. 3507-19, of 5-9-1910, to Commrs., Depts., et.:*

In 1910 the deaths of members of the Civil Service of India were desired by the Secretary of State to be included in the monthly death returns, and a revised form of the returns was

## APPOINTMENTS.

### Death Returns of Public Officers.

prescribed. The Government of India accordingly addressed the following communication:—

“ I am directed to forward, for the information of His Honour the Lieutenant-Governor, copy of a despatch from the Secretary of State, No. 43 Public, dated the 15th April 1910, from which it will appear that His Lordship desires deaths of members of the Civil Service of India to be included in the monthly return of deaths of European officers and pensioners for which a form was prescribed in endorsements Nos. 142-48, dated the 10th January 1870, and subsequently modified by the Home Department letter No. 1/276-82, dated the 24th May 1894. I am to request, that for the statement hitherto used in accordance with those orders, the form annexed may be substituted. I am to add that the statement submitted in accordance with the instructions contained in the Home Department letter No. 1119, dated the 18th October 1904, may be discontinued.

2. You will observe from paragraph 5 of the Secretary of State's despatch that the instructions communicated in the Home Department letters No. 4 (Pub.)/207-13, dated the 22nd February 1897,\* and No. 17/828-35, dated the 15th April 1887, regarding the action to be taken in cases of deaths in exceptional circumstances, are not affected by these orders.

3. With regard to paragraph 6 of the despatch, I am also to request that the *ad interim* report thereby required should, in cases where addresses of relatives or friends are not known to local Governments, be at once made to this department by telegram, the action taken being recorded in the next monthly return.”

*Despatch No. 43 (Public), dated the 15th April 1910, from the Secretary of State, to the Government of India.*

A case has been brought to my notice in which the death of a European in the employment of the North-Western State Railway was only reported to this office 3½ months after the occurrence, in reply to an enquiry addressed to the Railway Board on the subject.

2. I desire to draw the attention of Your Excellency's Government to the despatches of the Duke of Argyll, dated the 28th April 1870, No. 18 Revenue and Forests, and of the Earl of Kimberley, dated the 4th January 1883, No. 1 (Financial Funds).

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\*The instructions conveyed in this letter required the local Government to furnish the Government of India with telegraphic information respecting officers of the Civil Service who are killed or severely wounded by fanatics or others or who meet with sudden or violent death in any very exceptional circumstances.

## APPOINTMENTS.

### Death Returns of Public Officers.

3. These despatches direct that all casualties by death among European officers other than members of the Civil Service of India should be reported to this office without delay, and the orders are embodied in article 28 of the Civil Account Code, and I request that the attention of local Governments may be drawn to them.

4. I request further that the orders may be amended so as to provide that, in future, casualties among members of the Civil Service of India shall be included in the returns sent to this office, and that, as early as possible in each month, lists of all casualties among European officers reported during the preceding month shall be forwarded for my information.

5. The instructions conveyed in Lord George Hamilton's despatch regarding the telegraphing of information in cases of death in exceptional circumstances are not affected by this despatch.

6. These orders will not affect the obligations devolving upon the local Government under which the deceased may have been serving to communicate with his relatives or friends if none such be present on the spot. In cases where no addresses of relatives are known, an *ad interim* report should at once be made to this office, the action taken being recorded in the next monthly return.

*Return of deaths of European officers (including members of the Civil Service of India) and pensioners, in for the month of*

Name.	Date of death.	Place of death.	Occupation at time of death.	Age at time of death.			Place of birth.	Particulars as to family connections.	Addresses in England of relatives, if known.*	Particulars as to property (if any).	Length of service.†	Cause of death.	Remarks.
				Y.	M.	D.							

**145.**

*India, Home, No. 893 E., of 5-2-1913.*

In continuation of the Home Department letter No. 715, dated the 28th June 1910, I am directed to request that, if the Governor in Council sees no objection, returns of deaths of European officers (including members of the Civil Service of India) and pensioners in the Bengal Presidency, may, in future,

\* This column was added by Home Department letter No. 1438-C., dated the 27th February 1913.

† The information is not required in the case of pensioners.

**APPOINTMENTS.****Death Returns of Public Officers.**

be submitted direct to the Under Secretary of State for India at the India Office, and that a copy of each return so sent, may, at the same time, be furnished to the Government of India in the Home Department.

**146.**

*India, Home, No. 1438 C., of 27-2-1913. Ben., Genl. (Mis.), Cir. No. 14 and Nos. 2464-79, of 1-4-1913, to Commrs., Depts., etc.*

The attention of the Government of India has recently been drawn to the difficulty which is sometimes experienced by the authorities at the India Office in tracing the relatives of civil officers whose death is reported from India, and the question of devising some improved means of placing the Secretary of State in possession of information regarding the addresses in England of the next of kin of officers who die in India has been examined. Enquiries have shown that it would be impossible either for the Government of India or for the local authorities concerned to prepare and maintain a register of such addresses without an expenditure of time and labour which would be out of proportion to the benefit likely to be derived, but it would facilitate the communication of such information to the India Office if all officers serving in the various civil departments were warned of the desirability of placing on record among their private papers particulars of the names and addresses of relatives in England to whom in the event of their death they would desire intimation to be given, and I am to request that, with the permission of the Governor in Council, instructions to this effect may be issued to all officers concerned.

2. I am also to request that in the form prescribed in the Home Department letter Nos. 715-21, dated the 28th June 1910, for submitting reports of deaths, a new column may be added between the 7th and 8th columns headed "Addresses in England of relatives (if known)."

**147.**

*India, Home, No. F. 199-24 (Ests.), of 13-6-1924.*

I am directed to invite the attention of the Government of Bengal to the Home Department letter No. 715, dated the 28th

## APPOINTMENTS.

### Death Returns of Public Officers.

June 1910, forwarding a copy of a despatch from the Secretary of State, No. 43 (Public), dated the 15th April 1910, regarding the procedure to be observed in reporting casualties among European officers and pensioners.

2. Under paragraph 6 of the despatch quoted above, it devolves upon the local Governments to communicate without delay the news to the relatives and friends of the deceased officer, if none such be present on the spot or if the addresses of relatives are not known to the India Office. In a recent case where an officer was seriously injured the news of the accident was published in the English newspapers before it was communicated through official channels to the relatives of the officer. This is obviously undesirable, and, with a view to preventing such occurrences in future, I am to suggest for the consideration of His Excellency the Governor in Council, that in these cases of serious accidents, deaths, etc., in which intelligence is likely to be telegraphed to England, arrangements be made with press correspondents to ensure, so far as possible, that official intimation is sent to the relatives of the officer or to the High Commissioner for India (if the addresses of the relatives are not known here) before the information is communicated to the public press.

148.

*Ben., No. 6900 P., of 18-7-1924, to India, Home.*

I am directed to refer to your letter No. F. 199-24 (Ests.), dated the 13th June 1924, on the subject of the procedure to be observed in reporting casualties among European officers and pensioners. You point out that it is undesirable that relatives and friends of an officer should learn of his death or serious injury through the press before official intimation has been given, and request that, in cases of serious accidents and deaths in which intelligence is likely to be telegraphed to England, arrangements be made with press correspondents to ensure that official intimation is sent before the information is communicated to the public press. It is apparently intended that this information should be sent direct to the relatives if the address is known and otherwise to the High Commissioner.



## APPOINTMENTS.

### Death Returns of Public Officers.

2. In reply, I am to observe that difficulties are anticipated in preventing press correspondents from conveying news of this kind to the London press before official intimation has been sent to the relatives. Such cases would naturally be likely to occur in connection with some riot or other affair of public importance and, in the case at least of such incidents in a large town such as Calcutta, there can be little doubt that the press correspondent would have handed in his message at a telegraph office some time before an official communication had been made. Moreover, in view of the competition among the press correspondents to convey news at the earliest opportunity to the London newspapers, it would hardly be possible to come to an understanding with them that such news should not be communicated until Government had time to send official intimation of an officer's death or of accident to an officer.

3. The only way therefore to give effect to the proposal of the Government of India would be by the issue of formal orders to the Telegraph authorities under section 5 of the Telegraph Act to withhold from transmission any press message conveying news of the death of an official until Government intimated that there was no objection to its despatch. It is doubtful whether such orders would be *intra vires* the section in question and they might certainly be taken to amount to unwarrantable interference with the telegraphic operations of press agencies. The Governor in Council cannot therefore go so far as to recommend this course, but I am to observe that, should it seem appropriate to the Government of India, it is a matter in which the Government of India will presumably communicate with the Telegraph authorities before any such instructions are issued by the local Government.

4. I am further to suggest, for the consideration of the Government of India, that it is preferable that news of the death of an officer or serious accident to him should be telegraphed in all cases to the High Commissioner for communication to the relatives in England rather than direct to the relatives. The task of conveying news of this kind to relatives at home would appear to fall within the functions of the High Commissioner, through whose agency the shock, which such news must necessarily cause, might be alleviated in a manner which is not possible if it is telegraphed direct from India.

**APPOINTMENTS.****Death Returns of Public Officers.****149.**

*India, Home, No. F. 199/11-24 (Ests.), of 18-11-1924. Ben., Pol. Nos. 12880-896 P., of 6-12-1924, to Commrs., etc.*

With reference to your letter No. 6900 P., dated 18th July 1924, I am directed to state the Government of India realize that it may not always be possible to make arrangements of the kind suggested in the Home Department letter No. F. 199-24 (Ests.), dated the 13th June 1924, with press correspondents. The intention underlying the instructions was that the action suggested in that letter should be taken whenever possible. The action to be taken in particular cases must obviously be left to the discretion of the authorities on the spot.

2. The local Government can, if they so desire, utilise the services of the High Commissioner for India in conveying the news of the death of an officer to the relatives in England, though this is likely to cause delay in receipt of the news by relatives. Here again, however, the most suitable action must depend on the circumstances of each case. A local Government may, for instance, know of some persons residing close to the relatives of the deceased who could appropriately be asked to break the news and the Government of India are content to leave the matter to the discretion of the local Government.

**150.**

*Ben., Appt., Nos. 12974-95 A., of 31-10-1925, to Commrs., etc.*

I am directed to request that you will be so good as to communicate to the Appointment Department of this Government the dates of all retirements and deaths of officers holding gazetted rank under you, whose names are included in the Bengal Quarterly Civil List as soon as possible after their occurrence.

**Provident Fund.****Rules regarding the Indian Civil Service Provident Fund.****151.**

*India, Finl., Res. No. F. 18-III F. E-24, of 1-10-1924. Ben., Appt., Nos. 12192-366 A., of 4-11-1924, to all I.C.S. Offrs. in Bengal.*

In exercise of the powers conferred by section 96B of the Government of India Act, the Secretary of State in Council,

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- (2) If fixed in rupees, the amount shall be a number of complete rupees, and if fixed in sterling a number of complete shillings.
- (3) If the amount fixed by an officer is, in relation to the emoluments on account of which it is contributed, either below the minimum or above the maximum percentage prescribed by rule 5, the Account Officer shall presume that the contributor's intention was to contribute the minimum or the maximum, as the case may be, rounded off to the nearest rupee or shilling, and shall intimate to the contributor the amount to be paid by, or refunded to, him accordingly.

7. When any emoluments, other than leave-salary, are drawn from a Government treasury in India, the contribution on account of such emoluments shall be such amount as may be deducted by the officer on this account from the bill on which the emoluments are drawn.

8. When an officer is—

(a) transferred to foreign service in which he will not be drawing his pay from a Government treasury in India, or

(b) sent on deputation out of India,

he shall, before proceeding to join his new duty, intimate to the Account Officer the amount of his emoluments while on such foreign service or deputation, and the amount of the monthly contribution which he desires to make on account of those emoluments. When the amount of his emoluments is changed during the foreign service or deputation, the officer may intimate to the Account Officer a change in the amount of his contribution, and he shall intimate such a change when the existing amount falls, in relation to the changed emoluments, outside the limits prescribed by rule 5.

### *Re-draft.*

9. The amount of contribution on account of leave-salary shall be fixed by the following method :—

- (a) Before departure on leave, every officer shall intimate to the Account Officer in India the amount which

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### Provident Fund.

he desires to contribute monthly during his leave. He shall also intimate whether he wishes to contribute in the event of his drawing subsistence-grant, leave-salary equal to subsistence-grant, or minimum leave-salary. The amount in each case shall be a fixed percentage of the emoluments admissible to him during his leave. These particulars shall be entered in the officer's leave-salary certificate.

- (b) An intimation thus made to the Account Officer shall be final, and no alteration of the percentage fixed shall be permitted during the course of the leave.
- (c) If no intimation under this rule is made before an officer goes on leave, contribution shall be deducted throughout his leave at the rate of 4 per cent. of his leave-salary.

### REALISATION OF CONTRIBUTIONS.

10. (a) When emoluments are drawn from a Government treasury in India, or from the home or a colonial treasury, contributions on account of those emoluments shall be recovered by deduction from the emoluments themselves.

(b) When emoluments are drawn from any other source, contributions shall be paid by remittance in cash to the Account Officer.

11. Contributions fixed in rupees shall be credited to the rupee branch and contributions fixed in sterling to the sterling branch of the Fund.

### INTEREST ON CONTRIBUTIONS.

12. Interest at the rate for the time being allowed on contributions to the General Provident Fund shall be credited by Government, as from the 31st March of each year, to the account of each contributor to the Fund, subject to the following conditions :—

- (1) Interest for 12 months shall be credited on the amount at the credit of the officer on the 31st March of the preceding year, less any advance taken during the year.

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- (2) Interest shall be credited for each month of the year upon the sum by which the minimum amount at the credit of the officer, between the close of the fourth day and the end of the month, exceeded the amount on which interest is credited under condition (1) of this rule. For the purpose of this rule a contribution paid by deduction from emoluments shall be treated as having been deposited in the Fund on the first day of the month in which payment is actually made.
- (3) Before the amount at an officer's credit in the Fund is finally paid under rule 18, his account shall be credited with interest up to the end of the month preceding that in which the payment is made, or up to the end of the sixth month after the end of the month in which he quitted the service or died, whichever of these periods be less.
- (4) Before any reduction is made in the rate of interest allowed, in conformity with a reduction in the rates allowed on contributions to the General Provident Fund, six months' notice shall be given to all contributors.

**ADVANCES FROM THE FUND.**

13. (1) The local Government or, in the case of an officer serving under the Government of India, the Governor-General in Council, may sanction the payment to any contributor of an advance, consisting of a sum of whole rupees and ordinarily not exceeding in amount three months' pay, from the sum standing to his credit in the rupee branch of the Fund.

(2) An advance shall not be granted under this rule to any contributor until at least 12 months have elapsed from the date of repayment of the last instalment of any previous advance, unless the Governor-General in Council or the local Government, as the case may be, considers, for reasons which shall be recorded in writing, that this restriction may be relaxed.

14. (a) An advance shall be recovered in such number of equal monthly instalments, not being less than 12 or more than 24, as the sanctioning authority may prescribe. A contributor may, however, at his option, make repayment in a smaller

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### Provident Fund.

number of instalments than that prescribed. Each instalment shall be a number of complete rupees, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalment.

(b) Recovery shall be made in the manner provided by rule 10 for the realisation of contributions, and shall commence on the first occasion after the advance is made on which the officer draws pay for a full month. It shall not be made while the officer is on leave or in receipt of subsistence grant, and it may be postponed by the sanctioning authority during the recovery of an advance granted to the officer otherwise than from the Fund.

(c) If at any time under the provisions of rule 13 (2) an advance has been made to an officer before one previously made has been completely repaid, each advance shall be treated separately for purposes of recovery.

(d) When an advance is repayable in 12 instalments, an additional instalment equivalent to that percentage of the advance which is prescribed for corresponding recoveries under the rules of the General Provident Fund shall be paid as interest in the month following that in which the 12th instalment is repayable. Similarly, when the advance is repayable in more than 12 instalments, an additional instalment of twice the percentage of the advance specified above shall be paid as interest. Such additional instalments shall be rounded off to the nearest rupee.

(e) Recoveries made in accordance with this rule shall be credited, as they are made, to the officer's account in the Fund; the date of credit being determined, for the purpose of calculating interest, by the procedure prescribed in rule 12 (2).

### INSURANCE POLICIES.

15. Payments towards a policy of insurance of any description on the contributor's own life may, at the option of a contributor, be substituted for contributions to the Fund, subject to the following conditions:—

- (1) If the payments substituted be less than the minimum contribution required by rule 5, the deficiency shall be paid by the contributor as a contribution to the Fund.

## APPOINTMENTS.

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- (2) Government will not make any payments to insurance companies on behalf of contributors, nor will they take steps to keep the policy alive. If a contributor records on his pay bill that he is making payments to an insurance company, the Account Officer shall recover the deficiency, if any, due under sub-clause (1) above, and demand periodically to see the receipts or certified copies of the receipts showing that such payments have been made. Failing the production of such receipts he shall make the necessary deductions from the contributor's emoluments and pay them to his credit in the Fund. Should a contributor prefer, he may make the usual deduction from his pay bills for credit to the Fund and arrange with the Account Officer to draw from the Fund as required the sums necessary to pay premia. Any sums already at credit of the contributor in the rupee branch of the Fund may be withdrawn for such payments. Such withdrawals shall be treated as advances for the purpose of rule 12(1) only, and not for the purpose of rules 13 and 14.
3. If any policy lapses or matures, the contributor shall pay to the Fund the amount of premia paid with interest thereon or the sum realised as the case may be.

### FINAL WITHDRAWAL OF ACCUMULATIONS IN THE FUND.

16. The amount accumulated in the Fund to the credit of a contributor shall be his property, funded for his benefit, and shall not be liable to forfeiture in the event of his dismissal from the service or of his quitting it before he becomes entitled to annuity.
17. It shall not be permissible to withdraw a contributor's property in the Fund until he finally quits the service or dies:

Provided that a contributor who has been granted leave preliminary to retirement, or who, while on leave, is either permitted to retire or is declared by a medical board to be unfit for further service, may withdraw the amount standing at his

**APPOINTMENTS.****Provident Fund.**

credit at any time between the commencement of the leave, or the date of such permission, or of such declaration, as the case may be, and the date of actual retirement.

18. Sums finally withdrawn from the Fund shall be paid in rupees or in sterling according as they are held in the rupee or the sterling branch of the Fund, and shall be payable in accordance with the following provisions:—

- (1) The local Government shall, on the application of the contributor, direct the Account Officer to pay the amount at the contributor's credit, and such amount shall thereupon be paid in full, unless the Account Officer shall have received notice of any attachment, assignment or encumbrance affecting the disposal of the amount or of any portion of it; in which case he shall pay to the contributor such portion only of the amount as is not affected by the attachment, assignment, or encumbrance, and shall obtain the orders of the local Government as to the disposal of the balance.
- (2) If a contributor dies, the Account Officer shall take steps, in consultation, if necessary, with the local Government under which the contributor was serving, to ascertain the person legally entitled to receive the amount at the contributor's credit, and shall pay the amount to that person. Where the contributor has died leaving a widow or children then, unless the Account Officer has received from him a direction to the contrary in writing, Rs. 5,000 of the sum standing to the credit of the contributor at the time of his decease, or the whole of such sum if it be less than Rs. 5,000, shall be payable to the widow, or, if there is no widow, to the children, or to such person as may be authorised by law to receive payment on behalf of the widow or the children, as the case may be.
- (3) If a person to whom an amount is payable under clause (1) or clause (2) is not in India when withdrawal is made, the Account Officer shall, at the option of such person, to be intimated in writing, either pay the amount in the rupee branch into such bank in India as such person may designate,



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### Provident Fund.

or purchase sterling bills with that amount and forward them to such person. If such person is in India at the time of the withdrawal, the Account Officer shall, on receipt of intimation of the exercise of a similar option, either pay the amount in the sterling branch into such bank in the United Kingdom as may be similarly designated, or purchase rupee bills with the amount and forward them to such person.

### PROCEDURE.

19. All sums paid into the Fund under these rules shall be credited in the books of the Government of India to an account named "The Indian Civil Service Provident Fund". Sums not claimed for a period exceeding six months after the contributor has died or quitted the service shall be transferred to "Deposits" at the end of the year, and treated under the ordinary rules relating to deposits.

20. When paying a contribution in India, either by deduction from emoluments or in cash, the contributor shall quote the number of his account, which shall be communicated to him by the Account Officer, and shall remain unaltered until a change is intimated by the Account Officer.

21. (a) As soon as possible after the close of each year, every contributor shall be supplied with a statement of his account in each branch of the Fund. Every such statement shall show the opening balance, as on 1st April of the year; all amounts credited or withdrawn during the year; the amount of interest credited as on the 31st March of the year; and the closing balance as on that date.

(b) Contributors are required to satisfy themselves as to the correctness of the annual statements, and errors should be brought to the notice of the Account Officer concerned within six months from the date of receipt of a statement.

### GENERAL.

22. No departure from these rules in individual cases shall be made without the sanction of the Secretary of State for India in Council, and no such departure shall adversely effect the interests of the contributors concerned.

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### Postings.

#### Posting of Deputy and Sub-Deputy Collectors on return from leave.

**152.**

*Ben., Appt., Nos. 1351-57A., of 17-2-1909, to Commrs.*

When a Deputy Collector or Sub-Deputy Collector is given short leave, not exceeding six weeks, and a substitute is not sent from outside the division from which he takes leave, he should ordinarily be considered as belonging to the division and district from which he took leave. The Commissioner can, however, in exercise of his ordinary powers, post him to any other district in his division, but, if he does so, he should report the fact to Government. In any case in which Government should decide to post such an officer to another division on the expiry of his leave, the Commissioner will be informed of the fact by wire, at least ten days before the expiry of the leave. In all other cases it will rest with Government to post Deputy Collectors and Sub-Deputy Collectors on their return from leave.

NOTE.—Later, in Appointment Department Nos. 3535-44 A.D., dated the 25th October 1910, to Commissioners, etc., it was explained that the effect of these orders is that an officer of the Provincial or Subordinate Civil Service on leave not exceeding six weeks should ordinarily return to the division from which he took leave, but that, before re-joining, he should apply to the Commissioner for orders as to his posting. The posting of officers rejoining after a leave of more than six weeks' duration will, as heretofore, be at the disposal of Government.

### Powers.

#### Vesting of officers with summary powers.

**153.**

*Ben., Appt., No. 340 A.D., of 23-5-1894, to Commr., Bhagalpur, also Appt. B. Progs. for May 1894, Nos. 801-803.*

As a rule, the Sessions Judge of the district should be consulted before a recommendation is made by a Commissioner to vest an officer with summary powers.

#### Higher powers of Subordinate Magistrates.

**154.**

*India, Home, No. 403 of 3-12-1910. Ben., Appt., No. 7341 A., of 31-12-1910, to A.-G., Ben., and No. 551A., of 7-2-1911, to Commrs.*

I am directed to refer to the Home Department resolution Nos. 2990-3002, dated the 17th June 1871, in which the

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### Powers.

Government of India laid down that "powers of a Subordinate Magistrate of the first class are not to be conferred upon any officer until he has exercised the powers of a Subordinate Magistrate of the second class for six months, and full magisterial powers are not to be conferred upon an officer until he has exercised the powers of a Subordinate Magistrate of the first class for the same period: Provided that no officer shall be entitled to a higher rate of pay by reason of exercising higher powers unless he has passed in all the subjects of examination by the first or second standard, as the case may be". Circumstances have from time to time arisen which have rendered the strict application of this rule inexpedient or unfair in individual cases, and the Government of India have had occasion to relax it in such circumstances on applications by local Governments and administrations for their sanction. I am now to inform you that the Government of India consider that the power of relaxing the rule is one which may suitably be delegated to local Governments and administrations and to authorise the Lieutenant-Governor in Council in exceptional circumstances to permit departures from the rule embodied in the resolution above referred to (which should, however, continue to be regarded as a statement of the course to be ordinarily followed) and to sanction the grant of higher magisterial powers, promotions and increase of pay in such cases.

**Powers under Act VII of 1889 vested on the Deputy Commissioner of Darjeeling in his capacity of Subordinate Judge.**

**155.**

*Ben., Appt., Notfn. No. 2059 A., of 3-3-1920.*

In exercise of the power conferred by sub-section (1) of section 26 of the Succession Certificate Act, 1889 (VII of 1889), the Governor in Council is pleased to invest the Deputy Commissioner of Darjeeling, in his capacity of Subordinate Judge, with the functions of a District Court, under the said Act within the local limits of the executive district of Darjeeling.

**APPOINTMENTS.****Promotion.****Principle of selection for charge of districts and divisions and to Judgeships.****156.**

*Ben., Appt., Cir. No. 8A., of 14-7-1890, to all Covi'd. Civilians.*

The Lieutenant-Governor desires that the attention of all members of the Civil Service attached to the Bengal Government should be directed to the importance which is in future to be attached to the principle of selection in making promotions. He therefore circulates, for their information, the accompanying copies of the 46th recommendation of the Public Service Commission, and of an extract from a letter recently received from the Government of India.

The Lieutenant-Governor trusts that the extreme importance of these orders will be borne in mind, not only by junior officers, who have yet to qualify themselves for promotion, but also by the senior officers, whose duty it is to supervise the work of their juniors, and to report on the individual fitness of the latter for higher employment.

*Extract from the Report of the Public Service Commission, 1886-87.*

46. That inasmuch as the post of chief administrative officers of districts and Judges involve very responsible duties, the principle of selection should be more completely adopted in regard to those appointments; and that when in the order of seniority officers become eligible for appointment to the post of Collector or Judge, there should be no hesitation in passing over those persons who have not given distinct evidence that they are fit for such office.

*Letter No. 302, dated the 14th February 1890, from the Government of India, to the Government of Bengal. (Extract para. 19.)*

PARA. 19 \* \* \* I am also to take this opportunity generally to say that the Governor-General in Council fully accepts the 46th recommendation of the Public Service Commission that, inasmuch as the administrative charge of a district involves very responsible duties, the principle of selection should be more completely adopted even when a member of the Indian Civil Service is to be promoted to such office. His Excellency in Council has had occasion, in connection with memorials in which officers have complained of their supersession by juniors in the post of Divisional Commissioner, to express his adhesion to the principle that selection, and not seniority, should govern such high appointments. The principle of selection must be more absolute in respect of such appointments as that of Commissioner than it is in

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### Promotion.

respect of the appointment of District Judge or Magistrate and Collector, but it should be distinctly recognised that mere length of service gives no claim to promotion in the Indian Civil Service above the rank of Joint Magistrate, 1st grade, and that no officer should be appointed to the charge of a district, or to be a District and Sessions Judge, who has not in the course of his previous service given distinct evidence that he is fit for such office.

**157.**

*Ben., Appt., Cir. No. 6418A., of 23-12-1911, to all Covi'd. Civilians.*

I am directed by the Lieutenant-Governor in Council to draw the attention of all members of the Indian Civil Service to the recent orders of the Government of India on the subject of the selection of officers for District Judgeships, Collectorships, Commissionerships and higher posts. An extract from a letter received from that Government is accordingly circulated for their information.

*Extract from letter from the Government of India, Home Department, No. 1688-96, dated the 27th October 1911.*

2. Orders will issue before long on the various matters discussed in the correspondence referred to. Meantime, the Government of India consider it necessary to draw the attention of local Governments to the necessity for exercising the most scrupulous care in making selections for high appointments in so far as officers of the Indian Civil Service are concerned. It is generally accepted that in the case of Collectorships and District Judgeships, though promotion by seniority should continue, the rejection of the unfit should be much more stringent than it is at present, and that in the case of Commissionerships and other higher posts, the best officers should be selected, seniority being regarded only where other qualifications are practically equal. It may be added that local Governments are fully entitled to call upon officers, who have been found inefficient, to retire, if they have earned their pension, and to reduce them to a lower grade if they decline to do so.

3. That the application of the above principles is essential to good administration will not be gainsaid, but practice has so often fallen short of precept in this matter that the Government of India feel no hesitation, in once more bringing the orders prominently to notice and earnestly impressing upon local Governments the extreme importance of giving effect to them.

**158.**

*Ben., Appt., Cir. No. 3431 A.D., of 28-10-1913, to all Covi'd. Civilians.*

I am directed by the Governor in Council to draw the attention of all members of the Indian Civil Service to the decisions of the Secretary of State and the Government

## APPOINTMENTS.

### Promotion.

of India upon the recommendations of the Royal Commission on Decentralisation in connection with the selection of officers for Collectorships, District Judgeships, Commissioner-ships, and higher posts. An extract from a letter received from the Government of India is accordingly circulated for information.

*Extract from letter from the Government of India in the Home Department, Nos. 1397-1407, dated the 28th July 1913.*

2. \* \* \* The Government of India desire once more to emphasise the importance of the principle of selection for responsible posts as opposed to mere promotion by seniority. In doing so, however, they have no wish to minimise the weight which may rightly be attached to years and experience; these are qualifications which should be given their due value, and to neglect them recklessly might well be as disastrous as to follow them slavishly. There is a further consideration to which the Government of India desire to draw attention. Cases may frequently present themselves in which promotion may reasonably be withheld for the time being, but given on some subsequent occasion. An officer who at one time is superseded on account of faults of temperament or judgment, or on account of the existence of markedly superior qualifications in some brother officer, may rightly receive promotion at some later date when his own defects have been conquered, or when there is no competitor with superior claims in the field. The Government of India by no means think that an officer, who has been superseded for promotion either for defects which may prove to be temporary, or because of the superior qualifications of another candidate, must necessarily be regarded as irrevocably condemned as unfitted for further advancement. On the contrary, his claims should be reconsidered on the next vacancy. Elasticity in such matters is essential both in justice to officers themselves, and in the interests of the public service.

3. I am now to communicate the decisions of the Secretary of State and the Government of India upon the specific recommendations made by the Commission :—

- (i) That promotion to the rank of Collector should continue to be by seniority, but that the rejection of the unfit should be much more stringent than it is at present.—In the Home Department letter No. 1690, dated the 27th October 1911, the Government of India stated that local Governments generally accepted this proposition, and it only remains to say that it has now received the Secretary of State's entire approval.
- (ii) That an officer should not be superseded for promotion to a Collectorship until he had been tried during a period of probation (which would confer no claim to eventual confirmation) in an officiating capacity.—The Government of India think that the principle underlying this recommendation is sound, but they do not wish that it should be regarded as a rigid rule. There may be cases in which the unfitness of an officer is so manifest that an officiating trial

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### Promotion.

would be out of place, and it is not expedient to give encouragement to the idea that every officer is entitled to be tried as a District Magistrate or District Judge, however unpromising his record. It is preferable, therefore, to define the procedure by saying that an officiating appointment should be refused to an officer who is obviously unsuitable.

- (iii) That promotion to the office of Commissioner of a Division should be by selection from the best executive officers of the province, seniority only being regarded where other qualifications were practically equal.—In the Home Department letter No. 136, dated the 10th February 1910, the Government of India expressed some doubts whether selection should not take place at the stage of permanent appointment, and whether all apparently eligible candidates should not first be given a trial in officiating appointments. On further consideration, however, they are not prepared to recognise any claim as of right to officiating appointments as a Commissioner. A local Government has ordinarily ample materials for deciding, by the time that an officer reaches this stage of his career, whether it is worth while giving him a trial as a Commissioner or not. Confirmation in the post of Commissioner should ordinarily be deferred until an officer has given practical demonstration during an officiating term of his fitness for the position.

The Government of India are uncertain whether the Commission intended to suggest that the existing right of appeal to the Governor-General in Council against supersession for a Commissionership should be withdrawn; but, in any case, although they would not admit any general claim to a trial, and still less to confirmation in such an appointment, they have no intention of denying the customary right of appeal in such cases.

NOTE.—In their letter No. F. 308-24 Ests. of the 9th April 1925, on the subject of the abolition or reduction of the posts of Divisional Commissioners, the Government of India (H. D.) reiterated these orders and impressed on Local Governments the importance of strict adherence to them. "Nothing", they said, "can strengthen the case for the abolition of these posts more than lack of care in selecting suitable officers to fill them."

**Officers against whom an efficiency bar has been enforced, when permitted to pass that bar, come on to the time scale at such stage as competent authority may fix.**

**159.**

*India, Home, No. 917 Est., of 2-10-1922. Ben., Appt.,  
Nos. 12274-85 A., of 7-11-1922, to Depts.*

With reference to paragraph 2 of your letter No. 2046, dated the 1st/9th May 1922, regarding the question whether

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the period during which an officer is stopped at an efficiency bar should count towards increments in the event of his being permitted at some future date to pass that bar, I am directed to say that the Government of India have ruled that on each occasion on which an officer is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time scale at such stage as the authority competent to declare the bar removed may fix for him, subject, of course, to the pay admissible according to his length of service.

**Promotion where it does not involve a change of employment to take effect from the date of the orders.**

**160.**

*Ben., Appt., Nos. 414-22A., of 23-1-1907, to A -G., Ben., and to Depts.*

I am directed to inform you that in the case of promoted officers, such as Sub-Deputy Collectors and those whose promotion does not involve a change of employment, their promotion to the grade of Deputy Collectors or Sub-Deputy Collectors should be held to have taken effect from the date of the orders under which they were promoted, and not from the date of the Gazette notification.

**Date of retirement of an officer on the completion of 55th year.**

**161.**

*\*India, Final., Res. No. 3157P., of 18-7-1898. Ben., Appt., Cir. No. 5A. and Nos. 4372-86A., of 10-8-1898, to Commrs. and to Depts.*

In the resolutions read in the preamble, it was ruled that an officer, who is required to retire, under the rules of the Civil Service Regulations, on attaining the age of 55 years, should reckon his 55th birthday as a working day, and retire with effect from the next day; and that this method of reckoning should apply not only to the retirement of all civil and military officers, but also to the reversion of military and naval officers from civil employ, and to the grant of leave to civil, military and naval officers.



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2. In supersession of these orders, the Governor-General in Council is now pleased to rule that for all officers, civil, military or naval, whether in civil or in military employ, and for all the purposes indicated in the preceding paragraph, the 55th birthday is to be reckoned as a non-working day, and that an officer must retire, or revert, or cease to be on leave (as the case may be), with effect from and including his 55th birthday.

### Copies of retirement orders to be given free to the officers affected in certain cases.

**162.**

*Ben., Appt., Cir. No. 7A., of 17-6-1889.*

It has been brought recently to the notice of Government that a ministerial officer was refused a copy, free of cost, of an order, ordering him to retire. The Lieutenant-Governor directs that copies of orders should be given, free of cost to the officers affected thereby in all cases where they are departmentally punished or ordered to retire.

### Procedure for communication of names of officers approaching the time of retirement from service.

**163.**

*Ben., Appt., Nos. 869-07A., of 29-1-1914.*

I am directed to address you on the subject of the procedure to be adopted in communicating to Government the names of officers who are approaching the time of retirement from service.

2. Under the rule contained in article 803 of the Civil Account Code, Volume II, the Accountant-General is required to submit to the local Government, on or before the 1st September in each year, a list of gazetted officers, other than officers of the Indian Civil Service or the Army or Navy, who will attain the age of 55 years, or whose extensions of service will expire during the next official year, with a view to enable Government to pass the necessary orders as to their retention in, or

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retirement from, the service. These lists are now submitted twice in the year, in accordance with the instructions conveyed in the Financial Department letter No. 378T.—F., dated the 6th October 1893. It appears that in the case of some officers such lists are submitted to Government direct, while in the case of others they are sent to the heads of departments or other local officers concerned for submission to Government. As it is desirable to secure a uniformity of practice, the Governor in Council is pleased, in modification of existing orders on the subject, to direct that statements of superannuated gazetted officers (except members of the Judicial Branch of the Provincial Civil Service) should in future be submitted twice in the year, *viz.*, on the 1st January and the 1st July, to the Divisional Commissioners or heads of departments under whom the officers may be employed. The return due on the 1st January should include the names of officers who will attain the age of 55 years or whose term of extension of service will expire between the following 1st April and 30th September, and the return due on 1st July should include those who will come within the above category between the following 1st October and 31st March. The Divisional Commissioner (in the case of members of the Provincial and Subordinate Civil Services) or the head of the department (in the case of other officers) will submit the lists to Government with his recommendations in each case, to enable Government to pass orders in good time before the officers are due to retire.

3. These orders are not intended to affect the existing practice under which lists of members of the Judicial Branch of the Provincial Civil Service are submitted direct to Government in the Judicial Department and those for non-gazetted officers are forwarded to heads of offices and departments who are empowered to grant extensions of service to such officers.

NOTE.—(a) In Government order No. 1517 F., of the 29th January 1920, the Accountant-General, Bengal, was instructed—

- (1) to discontinue the submission of statements showing the names of ministerial officers who are about to attain the age of 55 years or whose term of extension is about to expire; and
- (2) to submit annually (on 1st September for the next calendar year) instead of half-yearly as hitherto, the statement as regards gazetted officers.

(b) In Government order No. 849 T.—F., of 23rd August 1920, Registrars in the secretariat and the chief ministerial officer in other offices were made responsible for ringing up for orders annually (by the 15th October at the latest) all cases of ministerial officers under them who will attain the age of 55 years or whose extension of service after that age will expire during the next calendar year.

## APPOINTMENTS.

### Retirement.

#### **Compulsory retirement of officers of the Indian Civil Service. 164.**

*Ben., Appt., Cir. No. 5071A., of 18-10-1913.*

I am directed to communicate the following decisions of the Secretary of State upon the question of the compulsory retirement of officers of the Indian Civil Service on the ground of proved unfitness for further advancement, which was raised by the Decentralisation Commission.

2. The Secretary of State considers that it should now be definitely enunciated as a condition of service that he reserves to himself the power, on the recommendations of the local Government and the Government of India, to remove from the service any officer who is proved to be unfit for further advancement. The Governor in Council believes that His Lordship's decision will commend itself heartily to the majority of the service, the high reputation of which can only suffer from the incapacity of its weaker members.

3. The Secretary of State also considers that it is unnecessary to prescribe any uniform method of procedure to be followed in all cases in which compulsory retirement is proposed; and it is left to the local Government to adopt any method it pleases of justifying its opinion and of producing evidence in support of it. No officer will, however, be retired until he has had full notice of the grounds on which inefficiency is alleged against him, and of being heard in his defence; and no lower authority than that which has power to appoint to the service (namely, in the case of the Indian Civil Service, the Secretary of State for India) shall have power to remove an officer from the service.

4. As a corollary to the decision, His Lordship is prepared to consider proposals for the grant to all officers thus compulsorily retired, of a pension which should ordinarily correspond with the scale of invalid annuities admissible to members of the service who are forced to retire prematurely on account of ill-health. The pension to be granted, however, on retirement on the grounds now indicated will not be defined by any precise accounts rules, and the Secretary of State reserves to himself in any given instance the right to determine its amount on a full consideration of the merits of the particular case.

## APPOINTMENTS.

### Retirement.

5. The Governor in Council is confident that it will but rarely be necessary to have recourse to the procedure thus authorised; but believes that the officers of the Indian Civil Service will be the first to recognise its advantages in the interests not more of good administration than of the service itself.

### **Compulsory retirement of officers of the Bengal Civil Service. 165.**

*Ben., Appt., Nos. 8642-46A., of 1-11-1921, to Commrs.*

I am directed to state that, in accordance with the recommendation of the Public Services Commission and with the approval of the Secretary of State, the Government of India have decided to extend to the Executive Branch of the Bengal Civil Service the rules regarding compulsory retirement on the ground of proved unfitness for further advancement which are applicable to officers of the Indian Civil Service. The Governor in Council is accordingly pleased to announce it as a definite condition of service that he reserves to himself, without prejudice to the provisions of any law for the time being in force, the power, on the recommendation of the Divisional Commissioner or the head of the department, as the case may be, to remove from the service any officer who is proved to be unfit for further advancement. His Excellency in Council considers it unnecessary to prescribe any uniform method of procedure to be followed in all cases in which compulsory retirement is proposed, and it is left to the authority concerned to adopt any method it pleases of justifying its opinion and of producing evidence in support of it. No officer will, however, be retired until he has had full notice of the grounds on which inefficiency is alleged against him, and of being heard in his defence.

2. As a corollary to this decision, the local Government will be prepared to recommend to the Secretary of State the grant to all officers thus compulsorily retired of a pension which would ordinarily correspond with the scale of invalid annuities admissible to members of the service who are forced to retire prematurely on account of ill-health. The pension to be granted, however, on retirement, on the grounds now indicated will not be defined by any precise account rules, and the

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### Retirement.

Governor in Council reserves to himself in any given instance the right to recommend any amount that he may consider suitable on a full consideration of the merits of the particular case.

3. The Governor in Council is confident that it will but rarely be necessary to have recourse to the procedure thus authorised; but believes that the officers of the Bengal Civil Service (Executive) will recognise its advantages in the interests not more of good administration than of the service itself.

4. I am to request that the purport of these orders may be communicated to all officers of the service now serving and to all future entrants upon joining their first appointments.

### Compulsory retirement of officers of the Subordinate Civil Service.

166.

*Ben., Appt., Nos. 11760-82A., of 6-11-1923, to Commrs., etc.*

I am directed to communicate to you the decision of the Governor in Council to extend to the Subordinate Civil Service the rules regarding compulsory retirement on the ground of proved unfitness for further advancement which are applicable to officers of the Bengal Civil Service.

2. It has been laid down as a definite condition of service that the Governor in Council reserves to himself the power, on the recommendation of the Divisional Commissioner or the head of the department, as the case may be, to remove from the service any officer who is proved to be unfit for further advancement. His Excellency in Council considers it unnecessary to prescribe any uniform method of procedure to be followed in all cases in which compulsory retirement is proposed, and it is left to the authority concerned to adopt any method it pleases of justifying its opinion and of producing evidence in support of it. No officer will, however, be retired until he has had full notice of the grounds on which inefficiency is alleged against him, and of being heard in his defence.

3. As a corollary to this decision, the local Government will be prepared to recommend to the authority concerned the grant to all officers thus compulsorily retired of a pension which would ordinarily correspond with the scale of invalid annuities

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### Training.

admissible to members of the service who are forced to retire prematurely on account of ill-health. The pension to be granted, however, on retirement on the grounds now indicated will not be defined by any precise account rules, and the Governor in Council reserves to himself in any given instance the right to recommend any amount that he may consider suitable on a full consideration of the merits of the particular case.

4. The Governor in Council is confident that it will but rarely be necessary to have recourse to the procedure thus authorised; but believes that the officers of the Subordinate Civil Service will recognise its advantages in the interests of the service itself no less than those of good administration.

5. I am to request that the purport of these orders may be communicated to all officers of the service now serving and to all future entrants upon joining their first appointments.

### Training.

#### Use of statistics as a test of magisterial or police work.

16 .

*India, Home, No. 1239, of 29-9-1893. Ben., Judl., Nos. 738-39J.D., of 20-10-1893, to Commrs., and I.-G.P.*

In view of the prevalence in some quarters of an impression that a police officer is judged efficient or otherwise according as the percentage of convictions secured by him in cases sent up for trial in A Form is high or low, the Officiating Lieutenant-Governor desires me to take this opportunity of pointing out, for your information and for the guidance of your subordinates, that this impression rests on no good foundation, and that it is inconsistent with the instructions of the Inspector-General of Police, contained in his Circular No. 4 of the 6th September 1892, and the repeated declarations and assurances of Government on the subject. I am to explain that although statistics are essential to the maintenance of due control and supervision over police work; they should be used, not as a standard to be worked up to, but as a test for indicating where defect in work is to be looked for. If, for instance, in the police work of any district it is found that out of 100 cases sent up for trial in A Form, convictions have been obtained in not more than 50 cases, a reasonable presumption arises that in the remaining 50 cases there has been either imperfect enquiry by the police, or the

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unnecessary harrassment of innocent persons. The procedure of the supervising officer in such a case should be, not to punish the police without further investigation, but to examine a sufficient proportion of the records of the 50 cases in which no conviction had been obtained, and after ascertaining wherein the police proceedings had been ill-directed, imperfect or productive of hardship to the accused, to issue such disciplinary orders in regard to the enquiring officers as might be needed, and to provide as far as possible against the recurrence of such errors. If the percentage of convictions was higher than 50, say, if it was 75, then, as the action of the police was confirmed by the judgment of the courts in a larger proportion of cases, the presumption of defective action on their part becomes weaker. In this way the statistics of acquittals and convictions serve the purpose of a graduated "danger signal" on a railway, and afford an indication to the controlling officer of mistakes, more or less, which should be corrected.

2. I am to add that this principle of utilising the statistics of convictions and acquittals is applicable *mutatis mutandis* to judicial trials, and should be followed by Commissioners and District Magistrates in supervising the work of magisterial officers subordinate to them, and in ascertaining and correcting their mistakes.

3. The use of such statistics, when properly applied, is indeed obvious, and the test of percentages is not one which any Government or controlling authority can dispense with or reject; but as the object of the test may have been misunderstood in some cases, the Officiating Lieutenant-Governor desires to emphatically enjoin on all inspecting officers the necessity of shunning any action and avoiding the use of any language which may give colour to the impression that the work of their subordinates is judged by an arithmetical standard, and not according to its intrinsic merit.

### Training of Sub-Deputy Collectors to be employed as Circle Officers.

168.

*Ben., Appt., Nos. 1133-37A., of 2-2-1923, to Commrs.*

I am directed \* \* \* regarding the training of Sub-Deputy Collectors during the period of their probation with special reference to their ultimate employment as circle officers.

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2. After a careful consideration of the suggestions put forward, the Governor in Council has decided that no special examination is necessary for circle officers, but that the Bengal Village Self-Government Act, 1919 (Act V of 1919), shall be included in the departmental examination in Law without books.

3. The Governor in Council also desires that before a Sub-Deputy Collector is deputed to do the work of a circle officer, he should spend at least a month on tour with a competent circle officer. If a suitable officer is not available in the district in which he is employed, he should be sent out with a circle officer in another district of the division.

4. The Governor in Council does not consider it either practicable or desirable that the circle officer should become an expert in the work of special departments. His duties as at present arranged are defined in Political (Police) Department Circular Nos. 1731-35 Pl., dated the 10th May 1922, and the instructions for his guidance in performing those duties are laid down in the law, statutory rules and manuals.

5. The Governor in Council does not think that circle officers can be usefully trained in District Board offices. He is not in favour of periodical conferences of circle officers, and leaves it to Commissioners and District Magistrates to bring them to headquarters for a particular purpose when necessary.

### **Rules for the training of Assistant Magistrates, Deputy Magistrates and Sub-Deputy Magistrates.**

169.

#### *Extract Appendix IX of the Departmental Examination Rules.*

\*1. As soon as any junior officer to whom these rules apply is posted to his district, the District Officer should prepare a programme showing, with reference to the work in his office, the periods which the junior officer will spend in the several departments. Each junior officer should receive a copy of the programme of his work, and the programmes should be entered in a register.

†2. Officers of the Bengal Civil Service (Executive) and the Subordinate Civil Service will be on probation for a minimum

\* Bengal Government, Appointment, Notification No. 2931A., dated the 1st May 1917.

† Bengal Government, Appointment Department, Notification No. 2411A., dated the 9th March 1923.



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period of two years after appointment. During this time they should be trained so as to get as much experience as possible in Magisterial and Revenue Courts with a view to their acquiring a knowledge of official routine. They should also study the Codes and the Acts to enable them to go up for their departmental examinations. They will be allowed to appear for the Lower Standard at the first half-yearly examination held after their appointment; and in no case will an officer be confirmed until he has passed these examinations completely by the Higher Standard.

\*3. Assistant Magistrates, Deputy Magistrates and Sub-Deputy Magistrates undergoing a course of training, who are allowed, under rule 2 in Appendix IX, to appear at any Departmental Examination, are, under rule 3 in that Appendix, required to prepare an intelligent and precise record of six cases tried by first class Magistrates and of three defended Sessions trials.

The cases to be recorded will be selected for the purpose by the District Magistrate or by such Magistrates as may be deputed by him to select the cases : appellate cases will not be included.

The officer preparing the record must prepare it from notes taken by himself in Court as the trial proceeds. He must ordinarily be present in Court throughout the trial of the case which he is reporting, and he should not see the depositions recorded by the Magistrate. But if he is unavoidably absent from a small part of the hearing, the Magistrate may show him the portion of the record which he has missed.

The Magistrate will show him the judgment which he may read and from which he may take notes, but he must write in his own language a judgment fulfilling the conditions of section 367 of the Criminal Procedure Code.

It is not necessary that the notes of the statements of witnesses should contain everything which is recorded by the Magistrate, but they must contain an intelligible narrative and all important points must be brought out. When two or more witnesses repeat the same story, the examination-in-chief

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\*Rule 3 as printed here was substituted by Appointment Department Notification No. 559 A., of the 7th January 1924.

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of all of them need not be fully noted, but the record must show the points of difference.

The Magistrate trying the case, or, in Sessions cases, the Public Prosecutor, should give to the officer preparing the record a certificate of his constant attendance throughout the hearing. If he has been unavoidably absent from part of the hearing, the certificate should show for what part he was absent.

The record should consist of—

- (i) a summary of the evidence, with notes on it, showing its admissibility and applicability to the offence charged;
- (ii) notes on the procedure with references to the Codes, *e.g.*, to such matters as the rules as to cross-examinations, re-examination, drawing up of charge and taking the statement of the accused;
- (iii) a précis of the arguments adduced for the prosecution and the defence and, in the case of Sessions trials, a précis of the Judge's charge to the jury.

It should be understood that value will be given to notes intelligently based on annotated editions of the Criminal Procedure Code, Penal Code and Evidence Act.

4. The District Magistrate will forward these records to the Legal Remembrancer, who will, at any time before the date fixed for the departmental examination, send a statement of his opinion thereon to the Central Examination Committee for consideration and submission to Government with the result of each half-yearly examination. The District Magistrate should keep himself informed of the progress which is made in the preparation of these records so as to ensure that they are punctually submitted, and should examine the first record of each officer to see that it has been prepared on the right lines.

5. If, in the opinion of the Legal Remembrancer, an officer has once prepared the record satisfactorily, he will not be required to do so again, even although he may not be adjudged to have passed in Law.

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6. Rules 3, 4 and 5 will be applicable to the cases of probationers after the first twelve months of their probation if they intend to appear for the Departmental examination in Law by the Lower Standard before they are appointed substantively *pro tempore*.

7. Probationers should, during the period of their training in the Magisterial Department, attend the Court of a first class Magistrate, selected by the District Magistrate, during the trial of criminal cases. They should be required to prepare a full, complete and careful record of the depositions of the witnesses and a concise summary of the evidence given. They should also be required to take notes of the arguments of the pleaders and discuss the application of the law to the facts of the cases reported by them, and to write a decision. This should be done in at least six defended cases.

8. The records of the cases prepared under rule 7 should be submitted by the probationer to the trying Magistrate who should examine them with a view to seeing that they are being intelligently prepared. He should point out any obvious mistakes. The records should also be occasionally examined by the District Magistrate, Additional District Magistrate or the Joint-Magistrate. The preparation of the records prescribed in rule 7 is additional to the preparation of the records prescribed in rule 3, and should be completed during the first three months of probation; the records prepared under rule 7 will not be utilised for the purpose of rule 3.

9. It is not necessary for Assistant Magistrates to prepare the records prescribed in rule 7. After attending the Court of a selected first class Magistrate for a week, they should be given simple cases to try.

10. Junior officers may be deputed for miscellaneous enquiries in regard to criminal cases when the inspection of a locality or other matter is important, and they may be examined in Court as to their reports. They may also be deputed to conduct specific enquiries in chaukidari matters and to preside at the payment of chaukidars; before doing this they should make themselves thoroughly acquainted with the rules. For a period not usually exceeding one month, they may be placed in subordinate charge of the Chaukidari Department in order to learn the office procedure. They should also study the miscellaneous work of the Magistrate's office.

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11. *Revenue work.*—All junior officers are required to undergo a training in treasury work, and for that purpose should be placed in charge of the district treasury, under the general supervision of the Deputy Collector ordinarily in charge, for a period of not less than six weeks continuously and must obtain a certificate from the Collector to the effect that they have duly attended to and satisfactorily discharged the duties of Treasury Officer for the prescribed period.

12. Probationers should not be required to work as clerks, or to write up registers; they should, however, prepare notes or *précis* of cases and draft letters. They should see all the papers which go up to the Deputy Collector, and the Deputy Collector should utilise their services in any way that he can in connection with the cases. The Deputy Collector should, at the same time, see that the probationer makes himself acquainted with the law and rules on the subject, and should from time to time require him to prepare a note explaining the procedure or the reason for any action taken in a particular case. In departments the work of which involves the keeping of accounts or registers, probationers should check and initial entries made in registers, check the accounts and examine the preparation of returns. They should attend inspections by the gazetted officer in charge of departments and by the Collector, and should assist during those inspections.

13. At the end of a probationer's period of training in any department, or under any Deputy Collector, the Deputy Collector should record a note in the register referred to in rule 1, stating how the probationer has attended to his duties and a general opinion of his industry and ability. This should be shown to the Collector.

14. Probationers should keep a diary and record briefly the work done by them day by day. The diary should be submitted to the Deputy Collector under whom they are working for the time, and should be seen by the Collector.

15. Junior officers should not take up survey and settlement work before they are deputed to the annual training camp. The rules for the regulation of this camp are contained in the Survey and Settlement Manual.



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### Training.

16. The programmes prepared under rule 1 should make provision for short periods to be spent in learning the nature of the work which is done in the following departments :—

- |                        |                      |
|------------------------|----------------------|
| (1) Tauzi,             | (6) Munshikhana,     |
| (2) Cess,              | (7) Certificates,    |
| (3) Record-room,       | (8) Partition,       |
| (4) Land Registration, | (9) Nazarat,         |
| (5) English office,    | (10) Income-tax, and |
| (11) Land Acquisition; |                      |

and junior officers should be required to study the manuals concerned while they are engaged in those departments.

All junior officers should be put in charge for a short period of the Copying Department of the Collectorate Record-room.

They should be required to make themselves thoroughly acquainted with the rules for inspecting the accounts of Government estates and in districts in which there are suitable estates, to inspect accounts according to the rules and to check arrear lists under the supervision of the Khas Mahal Deputy Collector.

In the case of Ward's estates, of which the accounts are sent to head-quarters for audit, their services may be utilised for short periods in assisting to audit the accounts.

17. *Touring*.—The District Officer should occasionally take junior Assistant Magistrates with him on his tours, but not for such long periods as will interfere with their preparation for the Departmental examinations. During these tours the District Officer will find opportunities for instructing them in the several branches of the administration of a district.

Junior officers should not ordinarily be sent out on tour for long periods, but their services may with advantage be utilised for distributing and collecting agricultural loans, for making local enquiries in probate cases, for assisting the Land Acquisition Deputy Collector in making local payments, for enquiries about agricultural calamities, and for inspecting accounts in Government estates.

18. *Agriculture*.—All junior officers should make themselves familiar with the appearance and the names of local

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crops, as well as of the times of sowing and harvesting. They should also, as far as possible, study the elements of agriculture. For this purpose they should all read Mr. Mackenna's "Agriculture in India" (1915), and afterwards, when they have time, Wallace's "Indian agriculture". Other scientific works on agriculture, both general and Indian, will be found in the district libraries.

### Training of junior members of the Bengal Civil Service (Executive and Subordinate Civil Service.

**170.**

*Ben., Appt., Nos. 2681-2685 A., of 10-3-1923, to Commrs.*

I am directed to address you on the subject of the training of junior members of the Bengal Civil Service (Executive) and the Subordinate Civil Service during the period of their probation.

2. The rules on the subject are contained in Appendix IX of the Departmental Examination rules. When a probationary officer is posted to a district, the District Officer is required under rule 1 to prepare a programme showing the period which the probationer will spend in each of the several departments of his office. Much waste is caused by the undue extension of the probationary period owing to inadequate training and delay in passing the departmental examinations, since this involves a reduction of the effective strength of the service. I am therefore to request that special care may be taken to ensure that the rules for training—especially rule 1—are strictly observed, and that District Officers give personal attention to the progress of probationers under their charge.

3. In this connection I am to emphasize the necessity of the preparation and submission of the records of cases as laid down in the rules. Unless this work is begun early and full advantage is taken of the opportunities offered, the records cannot readily be completed during the period of probation, and failure in this respect causes great inconvenience both to the probationers themselves and to Government. I am to suggest that these facts should be impressed on the junior officers.

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#### Functions of Circle Officers.

171.

*Ben., Pol. (Police), Nos. 1731-1750 Pl., of 10-5-1922, to Commrs., etc.*

I am directed to refer to Government Circular letter Nos. 2897-2901 Pl., dated the 5th September 1921, regarding the functions of circle officers which was one of the subjects selected for discussion at the conference of Commissioners and Heads of Departments held in October 1921.

2. The recommendations of the conference have since been considered, and the Governor in Council has decided that the normal duties of the circle officers in addition to their duties connected with the administration of the Bengal Village Self-Government Act, 1919, should include—

- (i) the maintenance of good relations between the people and all departments of Government; ascertaining the state of public feeling, disseminating correct information on public affairs and checking false rumours;
- (ii) making local enquiries in connection with agricultural and land improvement loans and reporting on the state of the crops;
- (iii) taking an interest in the co-operative movement, and assisting co-operative societies with advice and encouragement. By arrangement between the Registrar of Co-operative Societies and the District Officer, circle officers may be employed to act as arbitrators to decide disputes under the Co-operative Societies Act [section 43 (2)] to make enquiries into the working of the societies under section 35 of the Act and to act as liquidators under section 42 of the Act;
- (iv) duties in connection with the collection of statistical information under the instructions of the District Officer and no other authority.

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3. Besides the duties enumerated above, no duties should be laid on a circle officer without the special order of the District Officer. I am so request that the above orders may be communicated to all officers concerned in your Division.

NOTES.—In Government Order Nos. 3816-3820A., of 31st March 1923, to Commissioners, the holding of probate enquiries within their circles was also entrusted to circle officers.

2. Please see also the Supplementary Instructions on page 13 of Addenda Slip No. 4 of 1924 after page 75 of the Chaukidari Manual.

### Functions of District Officers.

172.

*Ben., Appt., Nos. 4396-4422A., of 17-3-1924, to Dist. Offrs.*

I am directed to enclose copies of the note on the functions of the District Officer, and to request that each of the junior Indian Civil Service officers serving under you may be supplied with a copy.

#### Note on the Functions of the District Officer.

In Bengal the unit of administration is the district, and of these there are twenty-six, excluding Chittagong Hill Tracts and Calcutta. These districts vary greatly in size and are divided into subdivisions.

Each district is in charge of a District Officer who is the main link between the Government and the people, and is in fact the executive chief and administrator of the tract of country committed to him. He is assisted in his work by Subordinate Magistrates who exercise both Revenue and Magisterial powers and by Subdivisional Magistrates who are usually Joint, Assistant or Deputy Magistrates. The District Officer's most important duty is to get into touch and keep in touch with the people in his charge. This can be done only by careful touring of the whole area, ascertaining the needs of the people and listening to their complaints and talking to them without any interpreter. The people do appreciate his visits and often solicit his inspection of their institutions and things and places that interest them. It is his duty also to find out and report the state of public feeling and to explain to the people the policy of Government. He is consulted regarding proposed legislation and other measures, able as he is to give advice from the local point of view.

Another important duty is to inspect and supervise every branch of the work of officers subordinate to him, for without constant supervision the quantity of work done tends to diminish and its quality to deteriorate. It is the District Officer who trains the junior officers, whether Imperial, Provincial or Subordinate, thus ensuring a continuance of the traditional high standard of efficiency of the British Administration.



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The District Officer also helps the smooth working of the administration by composing differences between officers of different departments even when these are not directly subordinate to him, and between officials and non-officials. As the local representative of Government, he is the person to whom every one in the district naturally turns.

The functions of the District Officer comprise—

**A. Police.**—Though the Superintendent of Police is responsible for the internal organisation and discipline of the police, it is the District Officer who is ultimately responsible for the criminal administration of the area. He may employ the police as he thinks best for the maintenance of law and order and for the suppression of crime. The Superintendent of Police works in constant personal communication with the District Officer and consults him on all important matters. In cases of serious disturbance, actual or threatened, the District Officer assumes control and at once takes measures to preserve order and compose differences when such might lead to a breach of the peace.

**B. Magisterial.**—As District Magistrate, he is primarily responsible for the administration of criminal justice. He inspects the work of Magistrates throughout the district in order to see that cases are promptly disposed of and that errors of procedure are not committed. He does little or no original case work; but in the lighter districts he hears appeals from convictions by Magistrates of the second and third class. If it is decided to separate executive and judicial functions, this branch of his work will be taken over by the Sessions Judge, who at present only tries serious cases which are committed to him for trial and hears appeals from sentences passed by Magistrates of the first class. But the District Officer is also responsible that criminal cases do not fail for want of proper prosecution and that pleaders are engaged, when necessary, and properly instructed. He is also responsible for the administration of the Arms, Explosives, Petroleum, Poisons and Chaukidari Acts.

**C. Jails.**—The District Officer has to visit the district jail frequently and the sub-jails periodically.

**D. Calamities and famines.**—In watching over the material condition of his people, the District Officer must report at once and take necessary action in event of failure of crops or flood or any calamity tending to distress. He is responsible for organisation of relief in such conditions.

**E. Revenue work.**—As the Bengal land revenue system is extremely complicated and the District Officer is responsible for its collection, there are several large departments under him—

(a) *Land Registration and separate accounts.*—These deal with all changes in proprietary interests by death, transfer, etc., and also with applications to open separate ledger accounts.

(b) *Tauzi.*—Where the ledgers which show the demands from and payments on account of each estate and by each proprietor, who has a separate ledger account, are kept. For road cess still more accounts have to be kept, as road cess is also paid by holders of revenue-free estates and rent-free holdings.

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- (c) *Accounts*.—In this department are dealt with not only a very large number of payments of land revenue and road cess, but all other payments to and by Government in all the local departments (Postal, Judicial, Public Works, Stamps, etc.) and to and by Wards Estates, municipalities and District Boards.
- (d) *Treasury*.—This department keeps a separate account of all receipts and payments as a check on the Accounts Department and deals with cash and stamps.
- (e) *Certificate*.—The certificate procedure is employed for the realization of Government and other dues of various kinds (land revenue, road cess, agricultural loans, embankment cesses, rents in Wards Estate, dues from Co-operative Societies in liquidation, rents of pounds, ferries, etc.) by notice, distress and sale.
- (f) *Nazarat*.—All notices, summons, etc., both Magisterial and Revenue, come to this department for service by peons. The *nazir* is also responsible for the realization of money by distress warrants in certificate cases. He keeps the stock of furniture, tents, etc., and is responsible for the petty cash and the connected accounts.

Among other items of revenue work dealt with by the District Officer as Collector are—

- (i) *Government estates*.—Besides realizing revenue from the proprietors of private estates, Government is itself a large land-owner dealing direct with the actual cultivators. This is especially the case on the banks of large rivers and near the sea, and in such places where the land is subject to alluvion and diluvion, annual survey and settlement are necessary. In other places survey and settlement are carried out periodically. In some districts colonisation work is being carried on. Works of improvement have also to be devised, carried out and maintained.
- (ii) *Wards estate*.—In some districts the work of supervising the management of estates under the Court of Wards is very heavy.
- (iii) *Land acquisition*.—The Collector makes estimates of the value of all land taken up for public purposes (roads, buildings, railways, tanks, etc.) and pays compensation.
- (iv) *Partition*.—The proprietors of large estates may claim their partition into smaller ones. This work is often extremely complicated; large areas are dealt with, and a survey sometimes has to be made, and a record of rights prepared before the actual work of partition can be taken up.
- (v) *Embankments*.—Certain embankments are maintained by the Irrigation Department. The Collector has to apportion the cost among the persons benefited and to realize it from them.

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### Training.

- (vi) *Administration of the Bengal Agricultural and Sanitary Improvement Act.*—Claims are drawn up and approved either by the Collector or by a Committee specially appointed for the purpose, but the Collector has, in any event ultimately to apportion the cost among, and to realize it from, the persons benefited.
- (vii) *Patni sales.*—Zamindars are entitled to apply to the Collector to sell certain tenures known as *patni* tenures in default of payment of rent by a fixed date. The Collector disposes summarily of any objections made and sells the tenure on the responsibility of the zamindar if payment has not been made.
- (viii) Private persons are entitled to apply to the Collector to relay disputed boundaries under the Survey Act. Such applications are frequently made.
- (ix) *Civil suits.*—The District Officer is the agent of the Secretary of State for instituting and defending civil suits in which the departments under him are concerned. Some title suits with which he has to deal are important and complicated.
- (x) *Loans.*—The Collector is responsible for the grant and realization of loans under the Land Improvement and Agriculturists' Loans Acts.

There are other departments which need not be specifically dealt with, but which need supervision—Record-room, Copying Department, Library, Forms and Stationery. The amount of correspondence on all kinds of subjects which is dealt with is very large. Occasionally, there is a settlement or a revaluation of estates and tenures for road-cess which throws additional work on the Collector.

*Excise.*—The District Officer is primarily responsible for excise work in his district. He makes settlements, performs inspections, supervises the work of the local officers and ascertains local opinion as to the number and location of shops.

*Registration.*—The District Officer as District Registrar is responsible under the Inspector-General of Registration for the working of the department in his district and inspects the offices of Sub-Registrars.

*Income-tax.*—All Collectors were formerly responsible for the assessment and collection of income-tax, but in some districts this work has now been taken over by a special department.

*Departments of Co-operation and Agriculture.*—The District Officer is expected to do what he can to assist the working of these departments. He is usually Chairman of the Central Co-operative Bank at his headquarters and supervises the touring of the District Agricultural Officers. He is responsible for crop forecasts and agricultural statistics.

*Education.*—The District Officer is usually President of the Committee of Management of one or more schools. He visits schools in the course of his tour, and is frequently appealed to in questions of finance, local disputes, etc.

## APPOINTMENTS.

### Training.

*Local Self-Government.*—The District Officer is no longer Chairman of the Municipality or the District Board, though he is still Chairman of the Committee of the hospital at his headquarters, but all correspondence between the local bodies and Government passes through him, and he is expected to watch their proceedings, to inspect their work and to call attention to irregularities. He is frequently in a position to advise them in financial and other matters, and is sometimes able to counteract the tendency in many Municipalities to be lax in the collection of taxes. He is, in other words, sometimes able to give the necessary stiffening to the administration and to lend moral support to the executive officers in carrying out necessary though unpopular measures. When on tour he is frequently appealed to by persons who want roads, tanks, wells, dispensaries, schools, etc., or by persons who have complaints to make on these subjects. He can no longer deal with such matters directly, but can and does advise the local body concerned on the subject, and his inspections are of value to the local bodies.

In one respect the District Officer is very intimately connected with Local Self-Government. Each district mapped out into Unions of from five to twelve square miles each in area. In areas in which the Village Self-Government Act is in force, there is in each of these Unions a Union Board, the majority of the members of which are elected by the people of the Union, which is responsible for raising the money for the payment of the village police (chaukidars) and also has power to compel the owners of the property to take certain sanitary measures and to tax the inhabitants generally for the construction, improvement and maintenance of roads, schools, dispensaries, tanks and wells. Members of the Union Boards may also be empowered to form benches and courts for the disposal of petty criminal and civil cases. It is in these Union Boards that the great hope lies both for the future amelioration of local conditions and for the education of the people in the uses of the electoral system. The District Officer is very closely connected with them, as, although they are to a considerable extent under the control of the District Board, their work is very closely supervised by the circle officer who is a member of the Subordinate Civil Service working under the District Officer and the Subdivisional Officer. In Unions in which the Village Self-Government Act has not yet been brought into force the assessment of the chaukidari tax is carried out by *panchayets* who work under the supervision of the District Officer, but the *panchayet* has no power of taxation for local improvements.

From the above brief sketch of the functions of the District Officer it will be seen that it is upon him that the whole of the local administration of Bengal hinges. If he is to be removed, it will be necessary to do away with the present system and to devise another, and it is difficult to see what other system could be better suited to present needs of Bengal. In the past, when the District Officer controlled the local Municipality and District Board he had greater power to do things, but it can hardly be said that he had more work. In fact, it may safely be said that his work is steadily increasing.

**APPOINTMENTS.****Transfers.**

**Transfer of members of the Indian Civil Service under the Government of India from Local Governments and from one Local Government to another.**

**173.**

*India, Home, Res. Nos. 1257—76 of 16-11-1907., Ben., Appt., Nos. 5050-55A., of 2-12-1907, to Depts.*

In the Home Department Resolution No. 2—100-116, dated the 25th January 1878, it was ruled that no officer, unless his services were very urgently required, in which case immediate information should be given to the Home Department, should be taken by a department of the Government of India from the general administration for any special duty except through the Home Department. These orders were cancelled by the Home Department Resolution No. 1—119-135, dated the 21st February 1879, by which all departments of the Government of India requiring the services of an officer under a local Government or Administration were authorised to obtain them direct from the local Government or Administration concerned without the intervention of the Home Department. The procedure prescribed in 1879 was intended to avoid unnecessary circumlocution and delay; but as it had not been generally observed in practice, and in view of the state of the Indian Civil Service in the different provinces, and of the fact that the cadres of that service in the larger provinces were fixed so as to provide a specified number of officers for service under the Government of India, it was directed in the Home Department Resolution No. 3—543-558, dated the 16th October 1894, that the orders of the 21st February 1879 should be withdrawn, and that in future the Home Department should again be the medium of communication with local Governments and Administrations whenever the services of an officer of the Indian Civil Service or a member of a mixed Commission were required by a department of the Government of India.

2. The Government of India have reconsidered the question and have decided that a considerable saving of routine work might be effected by a reversion to the orders of 1879. The Governor-General in Council accordingly directs that the orders of the 16th October 1894 shall be cancelled, and that in future the departments of the Government of India shall be authorized

## APPOINTMENTS.

### Transfers.

to obtain the services of a member of the Indian Civil Service or of a Commission direct from the local Governments and Administrations concerned without the intervention of the Home Department, provided that the latter shall be informed of the transfer by the communication to it in due course of a copy of the Gazette notification\*. His Excellency in Council also directs that the same procedure shall be followed when an officer's services are replaced at the disposal of a local Government or Administration.

3. On the analogy of the orders contained in the resolution of the 16th October 1894, a practice has grown up in accordance with which the transfer from one local Government to another of officers, other than members of the Indian Civil Service or of a Commission, who are within the administrative cognizance of the Home Department, is effected through the medium of that department. In the opinion of the Governor-General in Council this practice serves no useful purpose, since transfers between two provinces ordinarily require some prior reference to the Government of India, and when once their approval has been given, there is no further need for their intervention. His Excellency in Council is accordingly pleased to direct that the procedure prescribed in the preceding paragraph shall be adopted also\* in the case of transfers of the services of officers from one local Government to another.

### Commissioners to be consulted as regards the transfer of certain officers.

174.

*Ben., Appt., No. 1732A., of 14-3-1899, to Board.*

A Commissioner having represented through the Board the inconvenience caused by the transfer of an officer when in charge of some special revenue work,—and the Board having suggested that, if possible, Commissioners might have the opportunity of showing cause against the transfer of officers

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\*NOTE.—The orders in paragraphs 2 and 3 above, in so far as they require the supply to the Home Department of copies of notifications placing or replacing the services of an officer at the disposal of the Government of India, were cancelled in the India Government, Home Department letter No. F.-172 (Ests.) of the 3rd October 1921.

## APPOINTMENTS.

### Transfers.

who have specially important Revenue work in hand,—the Government of Bengal issued the following orders :—

“ As regards the transfer of Babu——, I am to point out that the Collector of——, was consulted, and acquiesced in the transfer before it was made. The Commissioner also alludes to other transfers, made during the past year which, he observes, it would have been to the benefit of the public service if they had been postponed or withdrawn. No transfer has been made for which there was not good and sufficient reason. As regards the proposal that Commissioners should be consulted in regard to all transfers in their divisions, I am to say that the Government could not agree to it. Such a rule would cause delays and friction, and would certainly work unsatisfactorily. The Appointment Department alone can ordinarily have full information as to the circumstances necessitating transfers. Commissioners are now consulted from time to time, and the Government does not think that anything more can be done with advantage. The suggestion made by the Board of Revenue is one, however, which is quite practical, to which the Government is willing to give effect to the fullest extent possible. It is, in fact, almost entirely met by existing practice. Officers employed on Excise, Land Acquisition, Settlements, Canals, Partition, and Cess revaluations, are only transferred when replaced at the disposal of the Appointment Department by the departments concerned. Other important Revenue work, which is not, however, found in all districts, consists of the settlement of minor Government estates, the collection of rents from such estates where there is no special officer in charge, and the writing up of tauzi registers. Such work is undertaken by officers of the general staff, and it is of course from time to time necessary to transfer officers so employed owing to ill-health. Some transfers may, however, be avoided if the Government has information as to the officers actually in charge of such duties, and Commissioners will be requested\* to furnish this department regularly with the names of officers of the general staff employed on these duties, as also with the names of the officers who are in charge of district treasuries. The names of officers employed on the resumption of chaukidari and pharidari lands in the Burdwan Division will also be called for and noted.”

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\* See Order No. 37 printed ante, page 104.

## APPOINTMENTS.

### Transfers.

#### Delay in transfers and joining new appointments.

175.

*Ben., Appt., Cir. No. 5A.—D., of 12-10-1900, to Com-mrs. and others.*

As considerable inconvenience is caused to Government from time to time by officers who delay in carrying out orders of transfer, and in joining new appointments, the Government of Bengal issued a Circular Order as follows:—

“ I am, therefore, directed to say that, whenever an officer is transferred without having to wait to be relieved, he is expected to start within ten days of the date of intimation, whether by letter or in the Gazette, including the days of preparation allowed under Article 195, Civil Service Regulations. When he has to be relieved before he can move, he should be able to leave his station within a week of the date of relief, since he will usually have had ample time to wind up his work while awaiting the arrival of his successor.

If in any case it is necessary that these limits should be exceeded, immediate intimation should be given of the fact to the Chief Secretary to Government through the usual channel, and the probable date of departure should be stated. If no such intimation is received, it will be assumed that the above orders have been carried out.”

#### Transfer, etc., of circle officers within the division by Commissioners.

176.

*Ben., Appt., Nos. 330-34 A., of 3-7-1920, to Commrs.*

I am directed to say that, as in the case of Sub-Deputy Collectors employed on general duty, the Governor in Council is pleased to empower you—

- (1) to transfer Sub-Deputy Collectors employed as circle officers within the division;
- (2) to grant them leave in cases in which the period of leave applied for does not exceed six weeks, provided that you are able to make local arrangements for carrying on the absentee's work during such leave, and



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- (3) to authorise you to publish notifications transferring or granting them leave in the *Calcutta Gazette* over your signature.

Immediate intimation of any transfer made or any leave granted should, however, be sent to Government in the Appointment, Municipal, and Political (Police) Departments for information.

**Delegation of powers to Commissioners to transfer Sub-Deputy Collectors from the general line to circle work and vice versa.**

**177.**

*Ben., Appt., Nos. 1158-1162 A., of 14-6-1923, to Commrs.*

In continuation of the Appointment Department letter Nos. 5330-5334A., dated the 3rd July 1920, I am directed to enclose a copy of notification No. 109 T.—L.S.-G., dated the 1st June 1923, and to say that the Governor in Council is pleased to empower you to transfer Sub-Deputy Collectors employed in your division from the general line to circle work whether as chaukidari circle officer or as circle officer under the Village Self-Government Act and from circle work to the general line. Immediate intimation of any such action should, however, be sent to Government in the Appointment, Local Self-Government and Political (Police) Departments for information.

2. If you propose to appoint as circle officers a number of Sub-Deputy Collectors in excess of the number so employed on the 31st March 1923, a previous reference should be made to the Appointment Department, and the area in which it is proposed that they should work, should be defined.

*Notification by the Government of Bengal, Local Self-Government Department,  
No. 109 T.—L. S. G., dated the 1st June 1923.*

In exercise of the power conferred by clause (2) of section 4 of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919), the Government of Bengal (Ministry of Local Self-Government) are pleased to appoint all Sub-Deputy Collectors in Bengal to exercise the powers and perform the duties of a circle officer under the said Act, in respect of the areas in which they are from time to time deputed by the Commissioner to work as circle officers.

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### Miscellaneous.

#### Payment of refunds of annuity contributions to members of the Indian Civil Service.

**178.**

*India, Home, No. F.-131-23 (Ests.) of 24-7-1923. Ben., Appt., Nos. 8166-67A., of 3-8-1923, to Fin., and A.-G., Ben.*

In modification of the orders conveyed in the Home Department letter No. D.-8483 (Ests.), dated the 16th December 1922, I am directed to say that the Government of India have decided that the following procedure should be observed in making payment of refunds under the announcement published with the Home Department notification No. F.-67—III (Ests.), dated the 23rd September 1922 :—

- (1) In the case of officers already retired and in receipt of annuities the amounts payable will be issued by the High Commissioner for India, or by the local Governments on whose cadre the officers were borne at the time of retirement, according as the annuities have been drawn in England or in India, respectively.
- (2) In the case of officers still in the service, payment will be made on retirement in the manner indicated in (1) above.
- (3) In the case of officers having died or dying before retirement, or having retired and died before getting any refund, the amounts payable will be issued by the High Commissioner for India or by the local Governments on whose cadre the officers were borne at the time of death or retirement, according as the legal representatives of the deceased reside in England or in India, respectively.
- (4) No payment under (3) should be made until a definite claim is preferred in writing by the "legal representative", and in order to avoid double payments in such cases payment should only be made after consultation between the High Commissioner and the local Government concerned.

2. I am to request that, with the permission of His Excellency the Governor in Council, the necessary arrangements may be made accordingly in consultation with the Accounts Officers.

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### Miscellaneous.

*Notification by the Government of India, Home Department,  
No. F-67-III Ests., dated the 23rd September 1922.*

The following announcement by the Secretary of State, dated the 23rd September 1922, is published for general information:—

The Royal Commission on the Public Services in India, who considered *inter alia* the pensionary conditions of the various civil services of the Government of India, recommended that the 4 per cent. deductions made from the pay and certain other emoluments of members of the Indian Civil Service as a contribution towards their annuity of £1,000 a year on retirement, should be funded for the benefit of the individual officers, subject to the proviso that the concession should not operate retrospectively in respect of deductions already made. This recommendation was approved by the Secretary of State in Council, with effect from the 1st April 1919. The deductions made from that date have accordingly been set aside in a Provident Fund, the accumulations in which, with compound interest, will be handed over to the officer on retirement, or to his legal representatives if he should die before retirement. No alteration has been made in the annuity itself, and an officer entering the service on or after the date mentioned will receive his annuity entirely at the expense of the State.

2. Since the decision was announced, various memorials have been received by the Government of India and the Secretary of State praying for some extension of this "funding concession" so as—

- (1) to allow of somewhat larger benefits than are admissible under it to officers who entered the service before 1st April 1919, and who will therefore have contributed in varying degrees to their annuities, and
- (2) to secure some benefit to officers who had actually retired before that date.

It was pointed out that whereas under the recommendations of the Public Services Commission members of other civil services in India who retired after the 23rd July 1913, were permitted as from 1st April 1919, to draw the full enhanced pensions sanctioned for those services, members of the Indian Civil Service received less favourable treatment in two respects—

Firstly, those who retired between 1913 and 1919 received no benefit;

Secondly, those who retired in years immediately following 1919 would receive only the small sums resulting from their pay as from April of that year while the full benefit of the change would accrue only to those who entered the service after that date.

The Secretary of State in Council has now been pleased to sanction refunds to the following extent of the individual contributions towards annuity made by members of the service before the 1st April 1919 when the funding concession came into effect, *viz.*:—

- A. Officers who retired at any date from 24th July 1913 to 31st March 1919, inclusive, to receive a grant of £500, officers

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### Miscellaneous.

who retired in 1919-20 to receive a refund of £480, and so on, the amount being reduced by £20 with each year until 1943-44, in which year officers retiring would receive nothing.

- B. In the case of invalid and proportionate pensioners, the refunds specified in A will be proportionately reduced.
- C. The cases of officers who have already retired or who may hereafter be retired, on reduced annuities will be individually considered on their merits.
- D. In the case of officers who have retired and died since 23rd July 1913 payment of the sums which would have been admissible to the officers if now living will be made to the legal representatives.
- E. In the event of an officer who was in the service on the 24th July 1913, or who entered it between that date and 31st March 1919, inclusive, having died or dying, before retirement, payment will be made to his legal representatives of any refund which would have been admissible to him under the terms of this announcement if he had been invalided at the date when his death occurred.
- F. The amounts payable under this decision to officers already retired or to their legal representatives will be issued by the High Commissioner for India, or the Government of India, as the case may be, according as the annuities have been drawn in England or in India, respectively.
- G. To officers already retired the refund will be payable as soon as arrangements can be made. To those still in the service payment will be made on retirement. No application need be made by the officer. In both classes of cases no interest whatever will be payable.
- H. Where an officer wishes to draw the refund in rupees the sterling amount payable will be convertible into rupees at the rate of exchange current at time of payment.

**179.**

*Ben., Appt., Nos. 10031-10182 A., of 15-9-1923, to all Members of the I.C.S., who joined the service before 1-4-1919.*

In the notification by the Government of India, Home Department, No. F-67—III (Ests.), dated the 23rd September 1922, a copy of which was forwarded to you with endorsement Nos. 11273-11455 A., dated the 1st November 1922, it was stated that the Secretary of State in Council had sanctioned refunds, to the extent specified therein, of the individual contributions towards annuity made by members of the Indian Civil Service before the 1st April 1919. It will be observed that to officers

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still in the service payment of refunds will be made on retirement. In the case of officers having died or dying before retirement, or having retired and died before getting any refund, the amount due will be paid by the High Commissioner for India or by the Local Governments on whose cadre the officers are borne at the time of death or retirement, according as the legal representatives of the deceased reside in England or in India, respectively. It has also been laid down that no payment will be made until a definite claim is preferred in writing by the "legal representative" of a deceased officer. It is important therefore that an officer should make arrangements or leave instructions so that a formal claim may be made by his legal representative in the event of his death.

**Instructions regarding the grant of certificates to subordinates.**  
**180.**

*Ben., Appt., Cir. Nos. 3121—62 A., of 2-5-1916.*

Government have decided to extend to the whole of the Presidency the orders contained in the Eastern Bengal and Assam Government circular letter No. 8A., dated the 13th October 1911, of which a copy is enclosed, prohibiting officers from granting certificates to subordinates after they have ceased to have official connection with them. I am to request that you will be so good as to communicate the orders to officers subordinate to you.

*Letter No. 8A., dated the 13th October 1911, from the officiating Chief Secretary to the Government of Eastern Bengal and Assam, to all Commissioners, District Judges and Heads of Departments.*

The attention of the Lieutenant-Governor has been drawn to the fact that officers sometimes grant certificates to subordinates after they have ceased to have official connection with them. The Lieutenant-Governor desires that this practice should cease. If a subordinate asks a former superior to grant him a certificate, the former superior should confine himself to saying that he will be glad to answer any reference that may be made by a would-be employer. In answering such a reference, the officer should be careful to guard himself by stating clearly that his answer applies only to the time when he had official relations with the applicant. The Lieutenant-Governor will be glad if these instructions are made known to officers of all ranks.

2. I am to explain that this circular is not intended to apply to the case of Government servants who, on retirement, are looking for employment outside India. In such cases former superiors may sometimes give direct certificates, but such certificates should be carefully worded.

**APPOINTMENTS.****Miscellaneous.**

**Use of the word " Indian " instead of the word " Native."**

**181.**

*India, Home, No. 2497, of 31-10-1912. Ben., Appt., Nos. 320—35A., of 13-1-1919, to Commrs., Heads of Depts., etc.*

The Government of India understand that the use of the word " Native " as a synonym for " Indian " has been generally discarded of late years in official correspondence, reports and returns, but they think it desirable that a definite direction to this effect should be conveyed to all officers of Government. In certain contexts it is impossible to avoid the use of the word " Native," *e.g.*, in the phrases " Native States," " Statutory Native of India," and no reasonable objection can be taken to its use in such circumstances, but I am to request that, with the permission of the Governor in Council, all officers serving in the Bengal Presidency may be directed to use the word " Indian " instead of the word " Native " in all official papers whenever the sense desired can be equally clearly conveyed by the use of either term.

**Definition of the terms " Indianisation " and " Indians ".**

**182.**

*Ben., Appt., Nos. 5368-5381 A., of 14-4-1924, to all Depts.*

The undersigned is directed to say that the use of the term "Indianisation" with reference to the services under Government means recruitment in India and that the term " Indians " includes all persons who are domiciled in British India and who are born of parents habitually resident in India and not established there for temporary purposes only.

**Use of the term " Statutory Native of India."**

**183.**

*India, Home, No. 1030, of 5-10-1917., Ben., Appt., No. 5204-13A., of 1-11-1917.*

As His Excellency the Governor in Council is doubtless aware the definition of " natives of India " contained in section 6 of the Government of India Act, 1870 (33 and 34

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### Miscellaneous.

Vict., Chap., 3), has not been reproduced in the corresponding section (99) of the Government of India Act, 1915 (5 and 6 Geo. 5, Chap. 61), I am accordingly directed to suggest the desirability of avoiding in future the use of the term "statutory native of India" to describe a person possessing the qualifications prescribed by section 99 (1) of the Act of 1915. Where necessary the definition of a native of India as contained in article 37 of the Civil Service Regulations should be used, so far as it may be applicable.

### Facilities to be given to Muhammadan employees to say their Jumma prayers.

**184.**

*Ben., Pol., No. 5746-P., of 21-11-1912, to Commrs.*

The question whether it is necessary to allow leave for an hour or two on Fridays to Muhammadan employees of Government to enable them to say their *Jumma* prayers has recently been under the consideration of Government, and I am directed to communicate to you the following orders on the subject.

2. The Governor in Council is of opinion that no hard and fast rule need be laid down, as the conditions prevailing in different parts of the Presidency vary, and any general direction may interfere with the satisfactory working of the machinery of Government. At the same time it is desirable that reasonable facilities should be granted to all communities to perform their religious duties, and His Excellency, in Council is accordingly pleased to direct that permission should be given on Fridays to such Muhammadan employees of Government as ask for it to say their *Jumma* prayers [on the understanding that they make up the time by working extra hours during the week, if necessary.]\*

3. I am to request that these orders may be communicated to all District and Subdivisional Officers in your Division.

**185.**

*Ben., Appt. Nos. 2266-2270A., of 17-1-1924, to Commrs.*

I am directed to refer to the correspondence on the subject of facilities to Muhammadan litigants for attending prayers

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\*NOTE.—The words within brackets were cancelled by Appointment Department letter Nos. 3186-3211A., dated the 21st April 1923, to all Commissioners and District and Sessions Judges.

## APPOINTMENTS.

### Miscellaneous.

on Fridays, and to say that instructions contained in letter Nos. 3186-3211 A., dated the 21st April 1923, should be extended to Muhammadans of all classes having dealings with the Courts (*e.g.*, employees, litigants, witnesses, pleaders and mukhtears). An absence from duty for one hour and-a-half on Fridays normally between 12-30 and 2 P.M., should be permitted to them without the necessity for application for permission; and where special circumstances indicate the necessity, as where the congregational mosque is at a distance from the Court, the time should be extended by the local officers, who should use their discretion in so adjusting the arrangements as to give full effect to the intention of Government that the Muhammadans employed or having business in the Courts may have complete freedom for the performance of *Juma* prayers.

2. I am to request that these orders may be communicated to all District and Subdivisional Officers in your Division.

### 186.

*Ben., Appt., Nos. 786-90A.—D., of 16-5-1925, to Commrs. and Nos. 791-804 A.—D., to Depts.*

I am directed to refer to this Department letter No. 2266-70 A., dated the 17th January 1924, on the subject of facilities to Muhammadans of all classes, having dealings with the courts, for attending *Juma* prayers on Fridays. It has since been represented to Government that the orders already passed in the matter do not for various reasons achieve the object aimed at, and it has been suggested that all work in the mufassal courts should be stopped between 12-30 and 2 P.M. on Fridays.

2. The Governor in Council after careful consideration has accepted the proposal, and directs that on Fridays the criminal and revenue courts in your division shall adjourn from 12-30 to 2 P.M. Work will not be suspended in the offices, but Muhammadan employees of Government should, if they so desire, be permitted to absent themselves during the time that the courts are closed and other Muhammadans having business at the offices should not be called upon to attend during that time. Subject to your control District Officers may vary or extend the time during which the sittings of the courts are suspended, where this course is necessary



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owing to special local circumstances, such as the distance of the courts from the mosque, and Government desire that full effect should be given to their policy that all Muhammadans employed or having business in the courts and public offices should be given every possible facility for attendance at *Juma prayers*.

3. These orders which supersede all previous orders on the subject should be communicated to all District and Sub-divisional Officers in your Division.

### Early stoppage of work by Muhammadan employees during the month of Ramzan.

187.

*Ben., Appt., Nos. 8141-8171A., of 19-10-1921, to Commrs., etc.*

Government have decided that in future Muhammadan employees will be permitted to leave office at 4 P.M. during the month of *Ramzan*, and I am directed to request that arrangements be made accordingly. These orders should be communicated to (all District and Subdivisional Officers in your Division) (all officers subordinate to you).

### Tours of inspection by the Hon'ble Member of the Board of Revenue, Commissioners of Divisions and District and Sub-divisional Officers.

188.

*Ben., Appt., Res. No. 176A. of 10-1-1916.*

READ—

Resolutions of the Government in the General Department, Nos. 398T—C. and 740, dated respectively, the 17th October 1891 and 18th February 1896.

Report of the Royal Commission on Decentralization, paragraphs 669—72.

Letter from the Government of India, Home Department, No. 136, dated the 10th February 1910.

Letter to the Government of India, Home Department, No. 3688A. dated the 3rd August 1911.

Letter from the Government of India, Home Department, No. 1447-57, dated the 28th July 1913.

Report of the District Administration Committee, paragraph 93.

The Governor in Council has recently had occasion to examine the rules and orders which at present govern tours of inspection by the Member of the Board of Revenue, Commissioners of Divisions and District and Subdivisional

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Officers, and is pleased to lay down the following revised orders in supersession of all previous orders on the subject.

*Member, Board of Revenue.*—After making due allowance for the time occupied in performing duties which require his presence at Calcutta the Member of the Board should arrange to visit Commissioners' and Collectors' offices as frequently as he possibly can. He should, if time permits, make inspections of Commissioners' offices and Collectorates, but his inspections need not be of a detailed or minute nature. He should satisfy himself that Commissioners and District Officers have been doing their own inspection duties properly, and that District Officers are following the instructions of Government regarding tours as far as the circumstances of their districts permit. He should make a point of visiting districts where important questions connected with departments under the control of the Board are pending and discuss them on the spot.

*Commissioners of Divisions.*—The Commissioners should spend a week or ten days at each district head-quarters annually and should try to visit each subdivision every year. He should satisfy himself that District and Subdivisional Officers and the officers in direct charge of departments have made full inspections at the prescribed intervals, and he should closely scrutinize the work of any officer or of any department when he has reason to believe that the standard of efficiency has deteriorated, or that the work requires special attention, and he should examine in detail the actual working of any procedure which appears to be defective or of any new system which has been introduced tentatively. The Commissioner should examine the work of each gazetted officer sufficiently to form a clear estimate of his capacity and business aptitude. The Commissioner's tour programme should be widely published beforehand, and he should afford persons of local influence full opportunity of acquainting him with their views on matters of local or general interest and pending questions with which they are concerned. As regards his own office, the Commissioner should see that the Personal Assistant makes a detail examination of each department at least once a year and that the ministerial staff works efficiently.

*District Officers.*—Apart from such visits to subdivisional head-quarters as may be necessary throughout the year for special objects, a District Officer should endeavour to make a

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stay of about a week at the head-quarters of each subdivision in his district once a year; during this visit, in addition to inspecting the subdivisional office and other institutions, he should provide opportunities for the principal residents of the sub-divisional head-quarters to meet him and discuss questions of local and general interest: Government attach much importance to this aspect of touring and consider that the knowledge which can be obtained by such discussions can be obtained by no other means.

With regard to tours in the interior of the district, a District Officer can only make the best use of his opportunities by carefully planning his tours in advance; such preparation not only enables him to arrange his case work at head-quarters for such dates as will not clash with his tours, but also affords time to give ample notice to the residents of the places to be visited. Occasions which cannot be foreseen will necessitate brief visits to places for particular objects, but the greater part of the time spent by a District Officer in the interior of his district should be devoted to tours extending over periods of not less than a fortnight and consisting of either carefully planned journeys with halts of which the places and times should be fixed beforehand and of which notice should be given, or halts for several days at convenient centres from which outlying places may be visited. Hurried movements produce the maximum of inconvenience to all concerned, and afford no time to the raiyats to realize that they have in their midst an official to whom representations can be made on subjects of importance to them.

*Subdivisional Officers.*—Subdivisional Officers in arranging their tour programmes should be guided, as far as possible, by the instructions of Government on the subject of tours of District Officers. Their facilities for touring are, however, somewhat restricted by the fact that they have a larger amount of case work to dispose of, and this fact renders the careful planning of tours all the more necessary. Every effort should be made by the publication of tour programmes to enable the public to ascertain without difficulty where the Subdivisional Officer may be found on any particular date. Criminal complaints should be taken by the Subdivisional Officer when he is on tour. When an officer with first class powers is left in charge of head-quarters, that officer should also receive

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criminal complaints. Where local circumstances permit, the Subdivisional Officer may make an arrangement whereby police charge sheets will be divided between himself and that officer according to the thanas from which they come.

As regards the trial of cases by Subdivisional Officers when on tour, every endeavour must be made to prevent unnecessary inconvenience to parties. Cases should be fixed for hearing at places which are reasonably accessible, and where supplies are procurable and lodging is available. So far as possible, the trial of cases at long distances from the homes of the parties should be avoided. In fixing places for trials, the difficulty of securing legal assistance, especially in important cases, should not be overlooked. Subject to these limitations, Government approve of the practice of trying cases on tour, and, in subdivisions where there is no second officer with first class powers, it is generally impossible for a Subdivisional Officer to make the prolonged tours which Government require him to make unless judicial work is combined with touring.

ORDER.—Ordered that this Resolution be published in the *Calcutta Gazette* for general information.

Ordered also that a copy be forwarded to the officers concerned for information and guidance; also, that a copy be forwarded to the Board of Revenue and to the other departments of this Government for information.

### 189-219.

[NOTE.—*These numbers have been provided for allotment to Circulars and Orders issued subsequently and which do not supplement, modify or cancel those already printed in this volume. Orders of the latter kind will, in the case of supplementary orders, follow the orders which they supplement and be given a sub-number; in the case of modifying or cancelling orders, they will issue with the same number as the orders they modify or cancel so as to be pasted over them.*]









